

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 8650 of 2023

Petitioner :- Vijay Kumar Gupta

Respondent :- Padamnatham Baranwal

Counsel for Petitioner :- Raj Kumar Gupta, Satish

Hon'ble Manoj Bajaj, J.

Petitioner-Complainant has filed this petition under Article 227 Constitution of India for issuance of directions to the learned Civil Judge (Junior Division)/ Judicial Magistrate, Room No.1, Mohammadabad, Ghazipur to decide the Complaint Case No. 49 of 2022, titled Vijay Kumar Gupta Vs. Padamnatham Baranwal, under Section 138 Negotiable Instruments Act, 1881, Police Station Kasimabad, District Ghazipur in a stipulated period.

Learned counsel for petitioner has submitted that subject complaint was filed by complainant on 23.3.2022, but the same is still pending adjudication and is not making any headway. Learned counsel for petitioner has argued that after appearance of the accused, he was released on bail, but subsequently, he absented and in order to secure his presence, the trial court on 29.7.2022 had issued non bailable warrants. Learned counsel has invited the attention of the Court to the order dated 18.5.2022 and submitted that later upon appearance of the accused, the case was adjourned for 24.8.2022.

Learned counsel for applicant prays that in view of the nature of the offences, it would be in the interest of justice, if directions are issued to the trial court to decide the above mentioned complaint case in a specific time frame.

Upon hearing the learned counsel for petitioner and considering his submissions, this Court finds that complaint instituted by the complainant pertains to a summons case and is to be tried through a summary procedure. The complaint was filed in the year 2022, wherein the process was issued against the accused on 8.3.2022. A perusal of the *zimni* orders would reveal that the case is being adjourned for short dates and there is nothing to indicate that the delay in trial is attributed to the accused.

Thus, considering the entire background of the case, this Court is not inclined to exercise the superintendence power under Article 227 Constitution of India.

The petition is accordingly, dismissed.

Order Date :- 17.11.2023

P.S.Parihar