

Court No. - 93

Case :- APPLICATION U/S 482 No. - 30994 of 2023

Applicant :- Pradumn Pathak @ Piyush Pathak

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Rajesh Dutta Pandey, Hari Narayan Shukla

Counsel for Opposite Party :- G.A., Praveen Kumar Tripathi

Hon'ble Arun Kumar Singh Deshwal, J.

Heard Sri Anil Kr. Tiwari, Advocate holding brief of Sri Rajesh Dutta Pandey, learned counsel for the applicant, Sri Praveen Kr. Tripathi, learned counsel for opposite party No.2 and Sri Anish Kr. Upadhyay, learned A.G.A. for the State.

The present application has been filed for quashing the order dated 7.7.2022 passed by Additional Court (N.I. Act) Court No.2, Allahabad, in complaint case No. 4911 of 2020 (*Sandeep Singh vs. Pradumn Pathak*), u/s 138 N.I. Act, P.S. Georgetown, Allahabad.

Contention of learned counsel for the applicant is that the applicant wants to surrender and apply for bail, therefore, necessary directions may be issued for expeditious disposal of his bail application.

Per contra, learned counsel for opposite party No.2 opposed his prayer on the ground that this Court had already granted a liberty by order dated 26.4.2022 passed in Application u/s 482 No. 4861 of 2022, granting him two months' protection to surrender before the court below, but the applicant did not surrender before the court below.

Considering the aforesaid facts and circumstances, it is provided that if the applicant surrenders and moves an application for bail before the court below within 15 days from today, then his application shall be considered in view of the law laid down in *Satendra Kumar Antil vs. Central Bureau of Investigation and Another, (2021) 10 SCC 773*.

For a period of three weeks or till disposal of the bail application, whichever is earlier, no coercive action shall be taken against the applicant.

It is further provided that as there is a specific provision under N.I. Act that all the cases under N.I. Act should be decided within six months, therefore, the court below is directed to decide the aforesaid case which relates to bouncing of cheque, expeditiously preferably within a period of six months from the date of production of certified copy of this order.

With the aforesaid direction, the application stands **disposed of**.

Order Date :- 18.10.2023/Vandana