

Court No. - 92

Case :- APPLICATION U/S 482 No. - 32646 of 2023

Applicant :- Surya Indra Mani Singh

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

Counsel for Applicant :- Syed Irfan Ali

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Syed Irfan Ali, learned counsel for the applicant and Sri Uma Dutt Shukla, learned A.G.A. for the State.
2. The instant application under Section 482 Cr.P.C. has been filed seeking a direction to the learned Additional Chief Judicial Magistrate, Court No.7, Allahabad (Prayagraj), to decide the Complaint Case No. 18 of 2019 (Surya Indra Mani Singh vs. Manjit Singh Yadav) u/S 138 N.I.Act, P.S- Khuldabad, District-Prayagraj, expeditiously within a time bound manner.
3. Learned counsel for the applicant submits that in the instant case, the opposite party no. 2/ accused was summoned on 20.03.2019 and he had filed an application for discharge on 24.10.2019 and due to non-cooperation of the opposite party no. 2, neither his application for discharge could be decided nor the matter could be proceeded any further.
4. However, from the record of the case it is apparent that applicant herein had filed a reply to the application for discharge on 16.12.2022, after more than 3 years. Therefore, the delay is not only on the part of the opposite party no. 2 but also on the part of the applicant herein. The instant proceedings are u/S 138 of the Negotiable Instruments Act and as per Section 143 of the N.I. Act, the said proceedings are expected to be concluded within a period of 6 months and more than four years have passed and the proceedings could not have been concluded.
5. In view of the aforesaid facts of the case, subject to the applicant cooperating and is vigilant and is not seeking further unnecessary adjournments, it is directed that the proceedings of the said Complainant Case No. 18 of 2019 (Surya Indra Mani Singh vs. Manjit Singh Yadav), shall be concluded by the learned Additional Chief Judicial Magistrate, Court No. 7, Allahabad, expeditiously, preferably within a period of 6 months from the date of production of the certified copy of this

order.

6. With the aforesaid directions, the instant application u/S 482 is **disposed of**.

Order Date :- 19.10.2023

Shubham Arya