

Court No. - 90

Case :- APPLICATION U/S 482 No. - 32830 of 2023

Applicant :- Shyam Lata Gupta

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

Counsel for Applicant :- Akhilesh Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak,J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.

2. The present applicant has invoked the inherent power of this Court under Section 482 CrPC beseeching expeditious disposal of Complaint Case No.1185/2019 (Shyam Lata Gupta vs. Anand Kumar Tiwari), under Section 138 of N.I. Act, P.S. Badagaon, District Varanasi, pending in the court of Presiding Officer, Additional Chief Judicial Magistrate (Vth), Varanasi, within stipulated period.

3. It is submitted that complaint under Section 138 N.I. Act filed on behalf of the present applicant is pending since the date of its filing i.e. 03.12.2019. In the aforesaid matter, learned Magistrate has issued process under Section 138 N.I. Act against the accused (private opposite party) vide order dated 28.01.2020. Opposite party no.2 has already appeared before the court below, however, he is throughout avoiding the court proceeding to protract the litigation. It is further submitted that the statutory period to decide the same as enunciated U/S 143 (3) of N.I. Act is already expired.

4. Learned AGA has no objection in case a direction is issued for expeditious disposal of the aforesaid case.

5. In this conspectus, as above, no useful purpose would be served to keep this matter pending, therefore, this Court deems it appropriate to finally dispose of the present application, without making any observation on the merits of the case as mentioned in the present application, with a direction to Additional Chief Judicial Magistrate (Vth), Varanasi, before whom aforementioned case is pending consideration to decide the same expeditiously, preferably, within a period of six months, from the date of receipt of a certified copy of this order.

6. It is expected that the matter matter should be decided by a reasons and speaking order, in accordance with law, after affording opportunity to the parties concerned without granting unnecessary adjournment to either of the parties.

7. With the aforesaid direction, present application is disposed of.

Order Date :- 30.10.2023

Jitendra