

Court No. - 92

Case :- APPLICATION U/S 482 No. - 33346 of 2023 (E-file)

Applicant :- Smt. Ashu Jain

Opposite Party :- State Of Uttar Pradesh And Another

Counsel for Applicant :- Prakhar Tandon

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Prakhar Tandon, learned counsel for the applicant and Sri Kamlesh Kumar Tripathi, learned AGA appearing for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking a direction to the learned learned Additional Civil Judge (Junior Division)-XI, Kanpur Nagar to decide the Complaint Case No. 7743 of 2018 (Ashu Jain vs. M/s Vishwa Anand Dharendra Construction Pvt. Ltd.) under Section 138 of the Negotiable Instrument Act, 1881, P.S. Kotwali, District Kanpur Nagar in a time bound manner.

3. Learned counsel for the applicant submits that the instant case under Section 138 of the Negotiable Instrument Act was filed by the applicant in the year 2018. Since then, the matter is pending. Learned counsel for the applicant further submits that since then more than five years have passed and the trial is progressing in a very slow motion. The prosecution evidence has been filed, however, the matter is pending for cross-examination of the applicant herein and the matter is being adjourned time to time. Learned counsel for the applicant further submits that in terms of Section 143 of the Negotiable Instrument Act, the trial of the complaint under Section 138 of the Negotiable Instrument Act is expected to be concluded within a period of six months from the filing of the complaint. The instant matter is pending since more that five years. Therefore, he has prayed for a direction from this Court for expeditious disposal of the aforesaid complaint case.

4. In view of the aforesaid submissions and in terms of the provisions of Section 143 of the Negotiable Instrument Act, it is directed that the learned Additional Civil Judge (Junior Division)-XI, Kanpur Nagar shall proceed in the matter in accordance with the provisions of Section 143 of the Negotiable Instrument Act and make his endeavor to conclude his proceeding within a period of six months as expected in the said provisions, if there is no any legal impediment.

5. With the aforesaid directions, the application is, accordingly, **disposed of.**

Order Date :- 3.11.2023

Ashish Pd.