

Court No. - 88

Case :- APPLICATION U/S 482 No. - 34316 of 2023

Applicant :- Dharmendra Saraswat

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

Counsel for Applicant :- Ram Raj Pandey, Shubham Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh, J.

1-Heard learned counsel for the applicant, learned Additional Government Advocate for the State of U.P./opposite party no.1 and perused the record.

2-This application under Section 482 Cr.P.C. has been filed by the applicant to quash the summoning order dated 26.07.2012 passed by Additional Civil Judge (Junior Division)/Judicial Magistrate, Court No.1, Bulandshahar as well as proceeding of Complaint Case No. 28 of 2012 (Vinod Kumar Singh Vs. Chandrabhan Saraswat and another), Under Section 138 N.I. Act, Police Station Kotwali Nagar Bulandshahar, District-Bulandshahar.

3-It is submitted by the learned counsel for the applicant that impugned summoning order has been wrongly and illegally issued by the concerned court below against the applicant without applying judicial mind. The applicant is on bail. He has not committed any offence.

4-On the other hand learned Additional Government Advocate contended that in this case opposite party no.2 filed a complaint against the applicant on 19.10.2011, in which after recording statement under Section 200 Cr.P.C. of the complainant, Magistrate concerned summoned the applicant vide order dated 26.07.2012 to face trial, but this application has been filed after inordinate delay of about eleven years.

5-Admittedly, record shows that applicant is playing hide and seek with the Court since 2012 i.e. for the last about eleven years and wants this Court to come

to his rescue by exercising its inherent jurisdiction. Even the complete order sheet of the case has not been filed before this Court, therefore, present status of the trial of the applicant is also not clear on record. Having considered the submissions of learned counsel for the parties and considering the inordinate delay in filing this application as noted above as well as the fact that as per prosecution case applicant had issued three cheques bearing cheque no.785388 dated 06.05.2010 of Rs. 1,38,000/-, cheque no. 785389 dated 15.06.2010 of Rs. 2,75,000/- and cheque no. 785396 dated 06.07.2010 of Rs. 11,50,000/- to the complainant, but on presenting the same in the bank all the above cheques have been dishonoured due to want of sufficient fund in the account, I find no good ground to interfere with the order of lower court issuing summoning order. In view of the above, the relief claimed by the applicant is refused.

6-The application lacks merit and is accordingly ***dismissed***.

Order Date :- 7.11.2023

Kashifa