

Court No. - 92

Case :- APPLICATION U/S 482 No. - 35758 of 2023

Applicant :- Prabhakar Srivastava

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

Counsel for Applicant :- Ranjeet Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Rajesh Kumar Singh, Advocate holding brief of Sri Ranjeet Kumar Mishra, learned counsel for the applicant and Sri Sandeep Choudhary, learned A.G.A. for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking direction for expeditious disposal of Complaint Case No. 5728 of 2019 (Prabhakar Srivastava vs. Bravish Shukla) u/S 138 of N.I. Act, P.S.- Kakadeo, District- Kanpur Nagar, pending in the court of learned Additional Court-II, Kanpur Nagar.

3. Learned counsel for the applicant submits that the instant application u/S 138 of N.I. Act was filed by the applicant herein in the year 2019 and since then, the trial is pending and due to non-cooperation of the opposite party no.2, the trial could not be concluded. Therefore, he has prayed for a direction from this Court for expeditious disposal of the instant case in terms of Section 143 of N.I. Act.

4. Looking at the facts and circumstances of the case, learned A.G.A. for the State do not object to the prayer made by learned counsel for the applicant.

5. Having heard the submissions made by learned counsels for the parties, this Court has carefully perused the record of the case, specifically the order-sheets of the trial. From the order-sheets, it is apparent that the complaint was filed on 31.07.2019 and the accused-opposite party no.2 was summoned on 11.11.2019. Since then, matter is pending. The evidence on behalf of the applicant has already been recorded and the right to cross-examination by the accused persons has already been closed by the trial court as the accused did not cooperate and repeatedly sought adjournments in the case and on many occasions did not appear before the trial court. Now, the case is fixed for final arguments.

6. In view thereof, the learned trial court is directed to proceed with the case expeditiously and preferably in terms of Section 143 of the Negotiable Instruments Act and make endeavor to dispose of the case as expeditiously as possible.

7. With the aforesaid observations, the instant application is **disposed of.**

Order Date :- 21.11.2023

Shubham Arya