

Court No. - 92

Case :- APPLICATION U/S 482 No. - 38325 of 2023

Applicant :- Parth Advertising Agency Through Its Proprietor Sri Niraj Agarwal

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Vibhu Rai, Abhinav Gaur, Sr. Advocate

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta, J.

1. Heard Sri Vibhu Rai, learned counsel for the applicant and Sri Satish Kumar Shukla, learned A.G.A. for the State.

2. The instant application has been filed seeking expeditious disposal of Complaint Case No. 4724 of 2016 (Parth Advertising V. Shiva Illuminate), under Section 138 N.I. Act, P.S. Civil Lines, District Prayagraj.

3. Learned counsel for the applicant submits that the instant complaint was filed in the year 2016 and since 2017 non-bailable warrants were issued against the opposite party nos.2 and 3, however, non-bailable warrants could not be executed against the opposite party nos.2 and 3, therefore, the matter has not proceeded any further and more than seven years have passed, therefore, he has prayed for a direction for expeditious disposal of the said complaint case.

4. In view of the aforesaid submissions made by the learned counsel for the applicant, learned A.G.A. has no objection to any direction being passed by the Court for expeditious disposal of the said case.

5. Having considered the arguments made by the learned counsel for the parties and perused the record of the case, this Court is of the considered view that the trial of the instant complaint which is otherwise as per the statutory requirement is to be concluded within six months, is pending since more than seven years and since the opposite party nos.2 and 3 have never appeared in the complaint case and they are avoiding process to be served and since the prayer is only with regard to expeditious disposal of the case, the instant application is being disposed of at the admission stage without issuing any notice to the opposite party nos.2 and 3.

6. From the order-sheet it appears that the instant complaint was

filed on 26-05-2016 and non-bailable warrants were issued against the opposite party nos.2 and 3 on 26-12-2017, since then non-bailable warrants could not be executed on opposite party nos.2 and 3 despite repeated efforts made by the learned trial court by issuing letters to the higher officers and the opposite party nos.2 and 3 are continuously shifting their addresses to avoid the service of process against them.

7. Having regard to the totality of the circumstances of the case, it is directed that the Additional Judge, N.I. Act 1st, Allahabad shall expedite the hearing of the said complaint case and shall conclude the hearing of the said case and pass the final order expeditiously preferably within a period of six months from the date of production of certified copy of this order, if there is no legal impediment.

8. With the aforesaid observations, the instant application stands **disposed of.**

Order Date :- 27.10.2023

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