

Court No. - 89

Case :- APPLICATION U/S 482 No. - 36279 of 2023

Applicant :- Nirdesh Kumar Dwivedi

Opposite Party :- State Of U.P. .And Another

Counsel for Applicant :- Ashwini Kumar Ojha

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Supplementary affidavit filed today on behalf of the applicant, is taken on record.
2. Heard learned counsel for the applicant and learned A.G.A for the State as also perused the record.
3. This application under Section 482 Cr.P.C. has been filed seeking direction to the court below for early decision of Criminal Appeal No.70 of 2022 (Kalidada vs.Nirdesh Kumar Dwivedi and others) in proceeding under section 374 Cr.P.C., arising out of Complaint Case No.664 of 2019, under Section 138 Negotiable Instrument Act, Police Station-Nawabad, District- Jhansi, pending before the Special Judge, NDPS Act/Additional Session Judge, Court No.5, Jhansi.
4. Learned counsel for the applicant submits that the applicant is complainant and initiated proceeding under section 138 Negotiable Instrument Act. Trial court by order dated 17.08.2022 convicted the opposite party no.2 and opposite party no.2 challenged the order by way of filing Criminal Appeal No.70 of 2022 and same is pending since 2022. Learned counsel for the applicant next submits that opposite party no.2 filed Application u/s 482 Cr.P.C. No.37295 of 2022 (Kalicharan @ Kali Dada vs. State of U.P. & another). Hon'ble Court by order dated 27.01.2023 disposed of Application u/s 482 Cr.P.C. with direction that the applicant shall appear before the court below and move an application to compromise the matter and same shall be disposed of. Learned counsel for the applicant next submitted that opposite party no.2 did not move application for compromise the matter and did not comply the order. He next submits that opposite party no.2 is lingering on the proceeding pending before the Additional Sessions Judge, Court No.5, Jhansi.
5. Considering the fact that the trial has remained pending since 2022, without expressing any opinion on the merits of the case, this application is finally **disposed of** with a direction to the court below to decide the aforesaid case in accordance with law, as expeditiously as possible, without granting any unnecessary or long adjournments to either of the parties, preferably within a period of six months from the date of production of a certified copy of this order, if there is no other legal impediment.

Order Date :- 13.12.2023

SKD