

Court No. - 88

Case :- APPLICATION U/S 482 No. - 37317 of 2023

Applicant :- Zaheer Alam

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

Counsel for Applicant :- Shiv Prakash

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. By means of this application under Section 482 Cr.P.C., the applicant has prayed for expeditious disposal of case being Complaint Case No. 35844 of 2022 (Zaheer Alam Versus Mohd. Rafi), under Section 138 Negotiable Instrument Act, Police Station Nagphani, District Moradabad, pending in the court of learned Additional Court, 138 N.I. Act, Moradabad, within a time bound frame.

3. It is submitted by learned counsel for the applicant that applicant is complainant in this case, who has filed complaint under Section 138 N.I. Act on 06.05.2022, in which accused/opposite party no.2 was summoned vide order dated 14.06.2022, thereafter, he has appeared before the trial court and obtained bail on 18.12.2022. However, on account of non appearance of opposite party no.2 before the trial court, trial proceeding is being delayed, whereas, as per provisions of Section 143(3) of N.I. Act, the trial proceeding should have been completed within six months.

4. Learned A.G.A. states that no useful purpose would be served in issuing notice to opposite party no. 2 and keeping this application pending before this Court and it may be disposed of at this stage itself.

5. Considering the limited grievance of the learned counsel for the applicant, learned trial court is

directed to make an endeavour to decide the aforesaid case, as expeditiously as possible, preferably within a period of six months from the date a certified copy of this order is produced before it, if there is no legal impediment.

6. With the aforesaid directions, this application is ***disposed of.***

Order Date :- 7.12.2023

Kashifa