

Court No. - 93

Case :- APPLICATION U/S 482 No. - 37107 of 2023

Applicant :- Devendra Prasad Maurya

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

Counsel for Applicant :- Nirbhay Singh

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Devendra Prasad Maurya-Applicant has filed this application under Section 482 Cr.P.C. for issuance of directions to the Additional Chief Judicial Magistrate, Room No. 18, Allahabad to conclude the trial in Complaint Case No. 77 of 2021, titled Devendra Prasad Maurya Vs. Durg Vijay Bhartiya, under Section 138 Negotiable Instructions Act, 1881 in stipulated period.

Learned counsel for applicants submits that subject complaint was instituted in the month of June, 2021 and the procedure of trial is summary in nature, but the same has not concluded so far, therefore, it would be in the interest of justice, if, the trial proceedings are expedited.

During the course of hearing, it is not disputed by learned counsel that it was on 20.10.2010 the accused appeared and was released on regular bail. A perusal of the *zimni* orders appended with the application reveals that after the appearance of the accused, on many dates of hearings the case was adjourned as the lawyers had made a call for

abstaining from work and on 14.3.2023 exemption from personal appearance was granted to the accused. Thus, considering the *zimni* orders and other attending circumstances, it is clear that the delay in conclusion of trial is not attributed to the accused alone, therefore, considering the summary nature of the trial, this Court is not inclined to exercise the inherent powers under Section 482 Cr.P.C.

The application is accordingly, dismissed.

Order Date :- 21.11.2023
P.S.Parihar