

Court No. - 88

Case :- APPLICATION U/S 482 No. - 40203 of 2023

Applicant :- Regard Network Solution

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

Counsel for Applicant :- Dheeraj Maheshwari, Munna Lal

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, the applicant has prayed for expeditious disposal of case being no. 06 of 2023, under Section 138 N.I. Act (Regard Network Solution Vs. Vinod Kumar), Police Station Indrapuram, District Ghaziabad within a time bound frame pending in the court of Additional Civil Judge (Junior Division) court No. 2, Judicial Magistrate, Ghaziabad.

3. At the outset, learned Additional Government Advocate submits that till date, accused-opposite party no-1 did not appear before the trial Court despite issuance of summoning order dated 10.04.2023, therefore, the prayer of the applicant, who is complainant in this case, seeking direction to expedite the trial of the accused cannot be granted at this stage.

4. Learned counsel for the applicant does not dispute the aforesaid fact as pointed out by learned A.G.A.

and in reply submits that the applicant may be permitted to withdraw this application with liberty to file fresh application at the appropriate stage.

5. In view of the above, this Court finds force in the preliminary objection/submission of learned A.G.A. for the State that without appearance of accused before the trial Court, no direction to expedite the trial of the accused within time bound period can be issued.

6. However, having regard to the statement given by learned counsel for the applicant at the Bar, this application is dismissed as withdrawn with liberty to the applicant to file fresh application at the appropriate stage, after appearance of accused before the trial Court.

7. Office is directed to return the certified copy of the documents, if any, to the counsel for the applicant after retaining xerox copy of the same on record as per rules.

Order Date :- 5.12.2023

Suraj Srivastav