

Court No. - 92

Case :- APPLICATION U/S 482 No. - 38425 of 2023

Applicant :- Sunil Kumar Srivastava

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

Counsel for Applicant :- Akhilesh Singh, Yogendra Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta, J.

1. Heard Sri Yogendra Yadav, learned counsel for the applicant and Sri Sandeep Choudhary, learned A.G.A. for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking direction from this Court for expeditious disposal of the Complaint Case No. 4555 of 2019 (Sunil Kumar Srivastava vs. Dhananjay Singh) u/S 138 of N.I. Act, pending in the Court of learned Judicial Magistrate, Court No. 11, Deoria, within the time bound period.

3. Learned counsel for the applicant submits that the complaint case u/S 138 N.I. Act, was filed on 21.12.2019 and about four years have passed and the trial of the said complaint case has not yet began and the opposite party no.2 has not yet filed the reply to the complaint and the application u/S 143A N.I. Act filed by the applicant is still pending for disposal and due to non-cooperation of the opposite party no.2, the instant complaint case is being adjourned from time to time. Therefore, he has prayed for a direction for expeditious disposal of the instant case.

4. Learned counsel for State submits that since about four years have already passed and as per the provisions of Section 143(3) N.I. Act, such complaint u/S 138 of N.I. Act, is required to be disposed of expeditiously and every endeavor has to be made by the learned Magistrate to dispose of the same within the period of six months. However, since more than four years have passed, therefore, he don't have objection if any direction is issued for expeditious disposal of the said complaint case by this Court.

5. Having heard the submissions made by learned counsels for the parties, this Court has gone through the record of the case and from the order-sheet of the trial court, it is apparent that the complaint was filed on 21.12.2019 and the opposite party no.2 was summoned on 27.02.2020. Thereafter, there is no much

progress in the case. On 10.06.2022, the opposite party no.2 was granted bail and on 25.07.2022, the applicant herein had moved an application u/S 143A N.I. Act for interim compensation during the pendency of the trial. However, due to non-cooperation of the opposite party no.2 the said application could not have been decided till date and what to say about the beginning of the trial as the opposite party no.2 has not yet filed his reply to the complaint as such. Therefore, in the facts and circumstances of the case, it is a fit case where the direction in terms of Section 143 N.I. Act can be issued for expeditious disposal of the complaint case.

6. In view thereof, it is hereby directed that the learned Judicial Magistrate, Court No. 11, Deoria, shall proceed in the case of expeditious and make all his endeavor to conclude the trial in the complaint case in terms of Section 143 of the N.I. Act.

7. With the aforesaid directions, the instant application is ***disposed of.***

Order Date :- 9.11.2023
Shubham Arya