

Court No. - 85

Case :- APPLICATION U/S 483 No. - 1294 of 2023

Applicant :- Durgesh Jaiswal

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

Counsel for Applicant :- Pankaj Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Mayank Kumar Jain,J.

Heard learned counsel for the applicant and learned AGA for the State.

The present application has been filed with a direction to the Chief Judicial Magistrate, Kushinagar at Padrauna to decide the Complaint Case No. 3979 of 2021, Durgesh Jaiswal Vs. Vinod Kumar Tripathi, under section 138 of N.I. Act, Police Station Padrauna, District Kushinagar, expeditiously on day to day basis.

Learned counsel for the applicant submits that the opposite party no. 2 was summoned by means of order dated 03.11.2021 and the matter is pending, thereafter non-bailable warrant has been issued against the opposite party no. 2.

Learned AGA opposed the prayer made by applicant and submitted that pursuant to summoning order dated 03.11.2021 processes have already been issued by the learned court concerned to ensure the presence of the opposite party no. 2, the trial court is taking proper care and caution to proceed with the matter.

Perusal of record goes to show that pursuant to summoning order processes have already issued by the court concerned to ensure the presence of the opposite party no. 2, therefore, no direction seems to be required to be given to the trial court.

In view of the above, the present applicant is hereby **dismissed**.

Order Date :- 3.11.2023

Arti