

Court No. - 88

Case :- APPLICATION U/S 482 No. - 39020 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 Sanjay Kumar Singh,J.

1-Heard learned counsel for the applicant, learned Additional Government Advocate for the State/opposite party no.1 and perused the record.

2-By means of this application, the applicant has prayed for expeditious disposal of case being Complaint Case No. 3981 of 2021 (Durgesh Jaiswal Vs. Meenakshi Devi), under Section 138 N.I. Act, Police Station-Padrauna, District Kushinagar, pending in the Court of Chief Judicial Magistrate, Kushinagar, within the time-bound frame.

3-It is submitted by learned counsel for the applicant that the applicant is the complainant in this case and after dishonor of three cheques total amounting of Rs. 13,50,000/- issued by the opposite party no.2 to the applicant, a complaint under Section 138 N.I. Act was filed by the applicant on 26.03.2021, in which accused was summoned vide order dated 03.11.2021. Pursuant to which accused-Meenakshi Devi appeared before the Trial Court and obtain bail on 19.05.2022. Thereafter, she became absent. Non-bailable warrants are continuously being issued against her since 30.05.2022. It is also submitted that the trial is not proceeding effectively and no further order for issuance of process under Sections 82 & 83 Cr.P.C. etc, has been issued by the Trial Court to secure the presence of accused-Meenakshi Devi.

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-The proceedings under Section 138 N.I. Act is a summary proceeding and in view of the provisions of Section 143 (3) of N.I. Act., every trial under this section shall be conducted as expeditiously as possible and an endeavour shall be made to conclude the trial within six months' from the date of filing of the complaint.

6-Accordingly, the trial Court is directed to ensure the presence of the accused by adopting coercive process against her in true sense and to conclude the trial expeditiously as possible, if there is no legal impediment.

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

Order Date :- 2.12.2023

Anurag/-