

Court No. - 92

Case :- APPLICATION U/S 482 No. - 39951 of 2023

Applicant :- Santosh Kumar Mishra

Opposite Party :- State of U.P.

Counsel for Applicant :- Vivek Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Vivek Kumar Tripathi, learned counsel for the applicant and Sri Arvind Kumar, learned A.G.A. for the State.
2. The instant application has been filed on behalf of applicant seeking expeditious disposal of Complaint Case No.1715 of 2018 (Santosh Kumar Mishra Vs. Saurabh Pratap Singh) under Section 138 Negotiable Instruments Act and Section 420 I.P.C., Police Station Jhunsi, District Prayagraj, pending in the court of Additional Chief Judicial Magistrate, Room No.5, Allahabad in the time bound manner.
3. Learned counsel for the applicant submits that the instant complaint case was filed in the year 2018 by the applicant herein and since then the matter is pending and summoning order was passed on 20.09.2022. He further submits that the matter is not progressing due to non-cooperation of opposite party no.2 and non-bailable warrant has already been issued against opposite party no.2. Therefore, he prays for a direction to the trial court for expeditious disposal of the said case.
4. Having heard the rival submissions made by learned counsel for the parties, this Court has carefully perused the record of the case. From perusal of record it appears that after filing of the complaint various dates were fixed for recording of statement of applicant herein under Section 200 Cr.P.C. and due to non-cooperation of applicant statement under Section 200 Cr.P.C. could not be recorded. When after passing of considerable period the statement under Section 200 Cr.P.C. has been recorded, the summoning order was passed on 20.09.2022, thereafter, the case is proceeding in accordance with law and the learned trial court is taking all coercive steps as may be taken against the opposite party no.2 for ensuring his presence and on 10.08.2023 non-bailable warrant has been issued against opposite party no.2.
5. From perusal of record, it appears that the delay was found

on the part of the applicant herein in recording the statement under Section 200 Cr.P.C. The matter is proceeding in accordance with law and the trial court is taking all steps to ensure the presence of opposite party no.2. The non-bailable warrant has already been issued against opposite party no.2. In view thereof, this Court does not find any good ground to entertain this petition at this stage.

6. In view of the above, the instant application is **dismissed**.

Order Date :- 28.11.2023

Atul