

Court No. - 81

Case :- MATTERS UNDER ARTICLE 227 No. - 11181 of 2023

Petitioner :- Nitish Kumar Vaish

Respondent :- Vinod Jha

Counsel for Petitioner :- Pradeep Kumar Upadhyay

Hon'ble Ram Manohar Narayan Mishra,J.

Heard learned counsel for the petitioner and learned A.G.A. for the State respondents.

By means of present writ petition, the petitioner, who is complainant before the court below, with a prayer to direct the court below i.e. Judicial Magistrate-III, Gautam Budh Nagar to hear and decide the Case No. 249 of 2012 (Nitish Kumar vs. Vinod Jha), under Section 138 of N.I. Act, P.S. Sector 39, Noida, District Gautam Budh Nagar, pending before learned Judicial Magistrate-III, Gautam Budh Nagar expeditiously within a stipulated time.

Learned counsel for the petitioners submitted that the petitioner is complainant in above case, which was registered on 10.5.2012 and the accused was summoned on 4.8.2012. He was arrested and presented before the court on 16.6.2014. The statement of accused was recorded on 4.9.2014 and evidence began on 29.10.2014, however, accused absconded thereafter. He again appeared before the Court on 1.5.2018 and was enlarged on fresh bail and case was again fixed for recording the statement under Section 251 Cr.P.C. The case is still pending at the stage of evidence. At present N.B.W. has been issued against the accused and his sureties.

On perusal of order sheet, it appears that the proceedings are not properly mentioned in the ordersheet.

Considering the fact that the trial is pending since 2012, without expressing any opinion on the merits of the case, this application is finally **disposed of** with a direction to the court below to decide the aforesaid case in accordance with Section 143 of N.I. Act, as expeditiously as possible, after procuring the appearance of accused in accordance with law by making every legal efforts, without granting any unnecessary or long adjournments to accused side, preferably within a period of 6 months from the date of production of a certified copy of this order, if there is no legal impediment.

Order Date :- 9.11.2023

Kamarjahan