

Court No. - 92

Case :- APPLICATION U/S 482 No. - 42055 of 2023

Applicant :- Vijay Kumar Agrawal

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Dharmendra Kumar Rajput

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Dharmendra Kumar Rajput, learned counsel for the applicant and Sri Anish Kumar Upadhyay, learned AGA for the State.

2. This application under Section 482 Cr.P.C. has been filed seeking direction to the learned Trial Court to decide the Complaint Case No.324 of 2021 (Vijay Kumar Agrawal v. Shashi Singh and others), under Section 138 of Negotiable Instrument Act, P.S. Quarsi, District Aligarh, expeditiously within the stipulated period.

3. Learned counsel for the applicant submits that the instant complaint case is pending since January 2021 and more than two and half years have passed, but the trial has not yet been concluded. The instant case, the evidence on behalf of the complainant has already been completed and the statement of accused was also recorded under Section 313. However, the matter is pending for the defence evidence since 23.5.2023, more than six months have passed and due to non co-operation of opposite party no.2, the matter is not proceedings and being adjourned from time to time as he has failed to lead the defence evidence in the instant case. Learned counsel for

the applicant pointing out the provisions of Section 143 of Negotiable Instrument Act submits that the proceedings under Section 138 of Negotiable Instrument Act are required to be concluded within a period of six months, however, in the said case about more than two and half years have passed and the proceedings could not be concluded. Therefore, he has prayed for a direction for expeditious disposal of the said complaint case.

4. Having regard to the provisions of Section 143 of Negotiable Instrument Act, learned AGA did not oppose the prayer made by the applicant herein.

5. Considering the facts and circumstances of the case and specifically the provisions of Section 143 of Negotiable Instrument Act, the Trial Court is directed to make an endeavor to decide the above case in accordance with the provisions of Section 143 of Negotiable Instrument Act expeditiously without granting any unnecessary adjournment to the parties concerned.

6. With the aforesaid observation, the instant application is **disposed of.**

Order Date :- 23.11.2023

A.N. Mishra