

Court No. - 92

Case :- APPLICATION U/S 482 No. - 42714 of 2023

Applicant :- Sandeep Kumar Pandey

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

Counsel for Applicant :- Anurag Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Anurag Kumar, learned counsel for the applicant and Sri Rajesh Kumar Singh, learned A.G.A. for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking direction for expeditious disposal of Complaint Case No. 572 of 2019 (Sandeep Kumar Pandey vs. Susheel Kumar Srivastava) u/S 138 of Negotiable Instruments Act, P.S.-Meja, District- Prayagraj (Allahabad), pending in the court of learned Special Judge (N.I.Act). Court No. 2, Prayagraj (Allahabad).

3. Learned counsel for the applicant submits that the instant case u/S 138 of Negotiable Instruments Act, has been filed by the applicant on 24.04.2019 and it is pending since then and the opposite party no.2, after appearance has obtained bail in the instant case, is avoiding and absconding from the trial. Therefore, learned counsel for the applicant has prayed for direction for expeditious disposal of the aforesaid complaint case, in view of the provisions of Section 143 of the N.I. Act.

4. Having regard to the facts and circumstances of the case, learned A.G.A for State do not oppose the prayer made by learned counsel for the applicant, in view of the specific provisions u/S 143 of the N.I. Act.

5. Having heard the submissions made by learned counsels for the parties, perused the provisions of Section 143 of the N.I. Act., which provides that the Magistrate shall conduct the trial as expeditiously as possible and endeavour shall be made to conclude the trial within six months. However, more than four years have passed and trial is still not progressing.

6. In view thereof and in the considered opinion of this Court, this is a fit case where the direction for expeditious disposal can be made by this Court. In view thereof, the instant application is ***disposed of*** with a direction to the concerned trial that the trial

shall proceed in the matter as expeditiously as possible and trial court shall make its endeavour to dispose of the said case, preferably within a period of six months from the date of production of the certified copy of this order, if there is no legal impediment.

Order Date :- 6.12.2023

Shubham Arya