

Court No. - 93

Case :- APPLICATION U/S 482 No. - 44232 of 2023

Applicant :- Madhav And Company Through Proprietor Anil Kumar

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Krishna Mohan Rai

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Applicant has approached this Court through this application under Section 482 Code of Criminal Procedure for issuance of directions to the Presiding Officer, Additional Court, Mathura to expeditiously conclude the Complaint Case No. 4365 of 2020, titled Madhav and company through proprietor Anil Kumar vs. Jai Puntha Wali Mata Enterprises through proprietor Pawan and another), under Section 138 Negotiable Instruments Act, P.S. Raya, district-Mathura.

Learned counsel for the applicant submits that the complaint is pending since 2020 and the trial is summary in nature, which is not making any headway, therefore, it would be in the interest of justice, if, the proceedings in complaint case are expedited.

Upon examining the *zimni* orders passed by the trial court, it comes out that the process against the accused issued on 6.2.2021, wherein the accused was granted concession of regular bail on 13.10.2022, and the case is being adjourned for various reasons and only on few dates the accused sought exemption from personal appearance. Therefore the delay in adjudication of complaint cannot be attributed solely to the accused.

Recently, the Hon'ble Apex Court has observed in the case of ***Shaikh Uzma Feroz Hussain vs. The State of Maharashtra***, vide order dated 10.11.2023 passed in **Writ Petition(s) (Criminal) No. 587 of 2023**, that the constitutional court

should be slow in fixing a specific time frame for conclusion of a proceedings pending before the court or original jurisdiction.

Thus, this Court is not inclined to exercise the inherent powers under Section 482 Code of Criminal Procedure. The application fails and is dismissed.

The petition is **dismissed**.

Order Date :- 4.12.2023

Faridul