

Court No. - 93

Case :- APPLICATION U/S 482 No. - 45879 of 2023

Applicant :- M/S Chaudhary And Association
Through Proprietor Sri Rajesh Kumar Chaudhary

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

Counsel for Applicant :- Dharmendra Kumar
Rajput

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Applicant is aggrieved against the alleged delay in disposal of his complaint instituted under Section 138 Negotiable Instruments Act, 1881 bearing Complaint Case No. 155 of 2020, titled *M/S Chaudhary and Association through Proprietor Sri Rajesh Kumar Chaudhary VS. Sri Anil Kumar*, pending before the Additional Chief Judicial Magistrate (J.D.), Court No.3, Aligarh and, therefore, has approached this Court for issuance of directions for expeditious conclusion of the pending proceedings.

A perusal of the *zimni* order would reveal that delay in conclusion of trial cannot be attributed to the accused alone as the complainant is also absent from the trial proceedings on number of occasions resulting in adjournments.

Further, this Court can safely take judicial notice of the prevalent situation in the country, where each and every court is overburdened with the pendency of the cases, and the breakout of pandemic Covid-19

introduced unusual conditions in the country compelling the administration to impose various restrictions/ lockdown in order to prevent the spread of the disease, which resulted in closure of courts and consequently, pendency of the cases further crept up.

Recently, the Hon'ble Supreme Court has made observation in the order dated 10.11.2023 passed in **Writ Petition(s) (Criminal) No. 587 of 2023, titled Shaikh Uzma Feroz Hussain Vs. The State of Maharashtra** that the constitutional court should not in a routine manner fix a time frame for a pending case before trial court for its conclusion in a specific time frame.

In view of the above, no case is made out for exercise of inherent powers under Section 482 Cr.P.C.

The application is accordingly, dismissed.

Order Date :- 16.12.2023

P.S.Parihar