

Court No. - 28

Case :- APPLICATION U/S 482 No. - 10098 of 2023

Applicant :- Ram Dular Singh

Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home Lko.
And Another

Counsel for Applicant :- Satya Narayan Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

Heard learned counsel for the applicant, Sri Anirudh Kumar Singh, learned A.G.A.-I for the State and perused the material placed on record.

The instant application under section 482 Cr.P.C. has been filed with the prayer to quash the entire proceedings of Complaint No. 2941 of 2015 'Vijay Kumar Tripathi Vs. Ram Dular Singh Yadav' filed by the opposite party no. 2, pending before the Extra Court No. 10, Lucknow as well as the summoning order dated 18-10-2016, passed by the learned Additional Chief Judicial Magistrate-I, Room No. 25, Lucknow under section 138 of the Negotiable Instrument Act, Police Station-Gudamba, District-Lucknow.

Learned counsel appearing for the applicant submits that the applicant is innocent and has falsely been implicated in the instant matter. He next added that infact, on place of the cheque issued to the complainant, another cheque was given, but, the complainant did not return back the first cheque to the applicant and he again placed it before the bank concerned and thereafter, the complainant filed the complaint stating therein that the cheque has become bounced because for the insufficient fund and therefore, submission is that the applicant himself is a victim and the story narrated in the complaint, is baseless and concocted.

After the aforesaid arguments, learned counsel for the applicant submits that the interest of justice would be sub-served, if this Hon'ble Court may be pleased to direct the trial court concerned to decide the discharge application filed by the

applicant earlier, within a stipulated period of time, as may be fixed by this court.

On the other hand, learned A.G.A. appearing for the State has no objection to the contentions aforesaid.

In view of the aforesaid submissions, the trial court is directed to consider and decide the discharge application filed by the applicant within period of 45 days from the date of this order, in accordance with law, if there is no legal impediment and in case, it has already not been filed.

With the aforesaid observations, the instant application is **disposed of**.

Order Date :- 16.10.2023

AKS