

Court No. - 12

Case :- APPLICATION U/S 483 No. - 760 of 2023

Applicant :- Ram Narayan Dwivedi

Opposite Party :- State Of Uttar Pradesh Thru. Addl. Chief Secy. Home And Another

Counsel for Applicant :- Pramod Kumar Shukla, Ashish Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the revisionist and learned A.G.A. for the State.

2. Present application has been filed with the following prayer:-

"To direct the court of Additional Court No.6 Lucknow to decide the case bearing no.91086/2022, under section 138 Negotiable Instrument Act, 1881 (Ram Narain Dwivedi vs. Surendra Kumar) pending since 07.10.2022 in the court Additional Court No.6, Lucknow.

To direct the Additional Court No.6 to take decision regarding the summoning of Opposite Party No.2 in the case bearing no.91086/2022, under section 138 Negotiable Instrument Act, 1881 (Ram Narain Dwivedi vs. Surendra Kumar) pending since 07.10.2022 in the court Additional Court No.6, Lucknow."

3. Learned counsel for the applicant submitted that the application under Section 138 of N.I. Act is pending. Despite recording of the statements under Section 200 and 202 CrPC no order is being passed by the trial Court under Section 203/204 CrPC, therefore direction may be issued to the Court below for taking decision under provisions of Section 203/204 CrPC.

4. Learned AGA has no objection to the aforesaid prayer.

5. Accordingly, this application is disposed of with a direction to the Trial Court to take decision in accordance under the provisions of Section 203/204 CrPC, expeditiously, strictly in accordance with law.

Order Date :- 24.11.2023

Vipul