



2024:UHC:10024

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc Application No.630 of 2024

30 December, 2024

Vimal Singh Negi

--Applicant

Versus

State Of Uttarakhand & another

--Respondents

Presence:-

Mr. Navnish Negi, learned counsel for the applicant (appeared through V.C.).

Mr. Vipul Painuly, learned Brief Holder for the State.

Mr. Alok Kumar, learned counsel for respondent no.2.

Hon'ble Pankaj Purohit, J.

Heard learned counsel for the applicant.

2. The challenge herein is to the judgment dated 13.09.2024, passed by the Sessions Judge, Pauri Garhwal in Criminal Revision No.11 of 2024, whereby the said court has allowed the revision and set-aside the order dated 23.03.2024 passed by the trial court on the application paper no.54-B moved under Section 143-A of the N.I. Act by the informant.

3. On the application paper no.54-B moved on behalf of the informant, it was prayed that 20% of the amount of cheque to the tune of Rs.1,91,24,293/- which comes to Rs.38,24,858.60/- be provided as interim compensation. On the said application, the court of Judicial Magistrate, First Class, Pauri Garhwal, by order dated 23.03.2024 allowing the application in part, directed the accused to pay a sum of Rs.9,56,214/- which is 5% of



the desired amount, be paid within 60 days to the informant from the date of his producing an undertaking.

4. The said order dated 23.03.2024 was challenged by the applicant before the revisional court by filing Criminal Revision No.11 of 2024. By judgment dated 13.09.2024, the order dated 23.03.2024 was set-aside and the matter was remanded to the trial court to pass the orders afresh in the matter after hearing the parties in view of the conclusions drawn in the said judgment. Hence, this C528 application has been filed by the informant.

5. I have heard learned counsel for the parties at length and I am of the considered opinion that the impugned judgment does not suffer from any illegality or perversity. The impugned order passed by the revisional court is precisely a remand order which does not require any interference by this Court at this stage. Accordingly, present C528 application is liable to be dismissed.

6. After the aforesaid order was passed, learned counsel for the applicant prayed that the criminal case pending before the trial court may itself be directed to be decided expeditiously.

7. It is argued by the learned counsel for the applicant that under Section 143(3) of the NI Act, the law has enjoined the duty upon the trial court to conclude the trial under Section 138 of the NI Act within a period of 06 months.

8. I have perused the provision of Sub-Section (3) of Section 143 of the N.I. Act, which is quoted below:

“143. Power of Court to try cases summarily.-

(1).....

(2).....

(3) Every trial under this section shall be conducted as expeditiously as possible and an endeavour shall be made to conclude the trial within six months from the date of filing of the complaint.”



2024:UHC:10024

9. The prayer made being innocuous deserves to be accepted.

10. Accordingly, the present C528 application is disposed of with a direction to the learned court of Judicial Magistrate, First Class, Pauri Garhwal to decide the Criminal Complaint Case No.371 of 2023, Vimal Singh Negi vs. Sompal, as early as possible, but not later than six months from the date of production of a certified copy of this order, as envisaged under section 143(3) of the N.I. Act, quoted hereinabove.

(Pankaj Purohit, J.)

30.12.2024

AK