



2024:UHC:9338

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc Application No. 907 of 2024

06 December, 2024

Sahil Sehdev

.....Petitioner

Versus

State Of Uttarakhand and another

.....Respondents

Presence:-

Mr. Tajhar Qayyum, counsel for the petitioner.

Mr. G.S. Sandhu, Additional Advocate General along with Mr. Deepak Bhardwaj, Brief Holder for the State.

Dated : 06.12.2024

Hon'ble Vivek Bharti Sharma, J. (Oral)

This petition is filed by the petitioner for direction to the court of District/Session Judge, Haridwar to expedite the entire proceedings of Complaint Case No. 38 of 2020 '*Sahil Dehdev Vs. Gurpreet Singh@Hanny*' pending in the court of 2nd Judicial Magistrate, Roorkee, Haridwar.

2. Counsel for the petitioner would submit that the petitioner/complainant had given ₹ 5,00,000/- to the respondent no.2/accused for his domestic need; that, the respondent no.2/accused gave cheque with the promise and assurance that the said cheque will be cashed as and when the petitioner would submit the same in the bank; that, the petitioner presented the said cheque before the concerned bank on the due date but the same



was dishonoured by the bank and the amount due against the petitioner has not been paid by the respondent no.2/accused, therefore, the petitioner/complainant filed complaint against the respondent no.2/accused.

3. Grievance of the petitioner/complainant is that the complaint case filed by the petitioner/complainant is not decided as yet, therefore, he prays that the concerned court be directed to decide the aforesaid complaint case expeditiously.

4. On the other hand, State counsel would vehemently oppose the submissions of the counsel for the petitioner and would submit that the Hon'ble Supreme Court in catena of judgment has held that the High Court cannot issue directions to the district judiciary in a routine manner for expeditious disposal of cases as the same would exert unnecessary pressure on the District Judiciary; that, the petitioner could not make out any strong ground for issuing directions to the court concerned for expeditious disposal of the appeal, therefore, the petitioner is not entitled for any relief at this stage.

5. Perused the record in the light of above submissions made by counsel for the parties.

6. This Court cannot be oblivious of the fact that



there is huge pendency of backlog cases in civil courts and any direction for expeditious disposal will further overburden the court below. By issuing direction for expeditious disposal, one case cannot be prioritized over others.

7. Hon'ble Supreme Court in re "M. Gopalakrishnan and others vs. Pasumpon Muthuramalingam and another (2022) SCC Online SC 1968" has observed as follows:-

"..... ordinarily, before passing any such order for expeditious proceedings in a particular case (which might appear to be rather of innocuous nature), it would be appropriate for the higher Court to appreciate that any such order for one case, without cogent and extremely compelling reasons, might upset the calendar and schedule of the subordinate Court; might result in assigning an unwarranted priority to that particular case over and above other cases pending in that Court; and progression of such other cases might suffer for no reason and none of the faults of the litigants involved therein."

8. Recently also, a Constitution Bench of Hon'ble Supreme Court in re "High Court Bar Association, Allahabad vs. State of U.P. & Ors. in Criminal Appeal No.3589 of 2023 with Special Leave Petition (Crl.) nos.13284-13289 of 2023 and Criminal Appeal", has observed that:-

"Constitutional Courts, in the ordinary course, should refrain from fixing a time bound schedule for the disposal of cases pending before any other Courts. Constitutional Courts may issue directions for the time-bound disposal of cases only in exceptional circumstances. The issue of prioritizing the disposal of cases should be best left to the decision of the concerned Courts where the cases are pending".

9. In the light of the aforesaid, this Court refrains itself from issuing any direction to the trial court for expeditious disposal of the case. Accordingly, writ petition stands dismissed in limine.



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10. However, it goes without saying that it is the bounden duty of the every court to make every possible endeavour to decide the proceedings at the earliest without any undue delay.

(Vivek Bharti Sharma, J.)
06.12.2024

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