

Court No. - 14

Case :- APPLICATION U/S 483 No. - 895 of 2024

Applicant :- Malvika Cement Pvt. Ltd. Thru. Its Power Of Attorney Sri Ramesh Kumar Shukla

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

Counsel for Applicant :- Mool Chandra

Counsel for Opposite Party :- G.A.

Hon'ble Ajai Kumar Srivastava-I,J.

1. Heard Sri Mool Chandra, learned counsel for the applicant, learned A.G.A. for the State and perused the material available on record.

2. In view of the order, which is proposed to be passed today, notice to opposite party No.2 is hereby dispensed with.

3. The only innocuous prayer made in the present application filed under Section 483 Cr.P.C. is that the learned trial court/ Additional Chief Judicial Magistrate-III, Court No.13, Raebareli be directed to decide the Complaint Case No.189 of 2017 titled Malvika Cement Pvt. Ltd. vs. Mohd. Fakeer Khan @ Guddu, under Section 138 N.I. Act, Police Station Kotwali, District Raebareli expeditiously and preferably within a time bound manner.

4. Learned counsel for the applicant has submitted that the trial is not being completed because adjournments have been granted frequently.

Therefore, he has prayed to issue a direction to dispose of the aforesaid case in a time bound manner.

5. Learned A.G.A., on the other hand, has opposed the aforesaid prayer and has placed reliance upon the judgment rendered by Hon'ble Apex Court in the case of **High Court Bar Association, Allahabad vs. State of U.P. and ors : 2024 1 UPLBEC 545.**

6. Having heard the learned counsel for the applicant, learned A.G.A. for the State and upon perusal of the entire record, it appears that no substantial progress has been made so far to conclude the aforesaid criminal case.

7. Therefore, to secure ends of justice, the present application is finally **disposed of** with the direction to the concerned trial court to dispose of the aforesaid case expeditiously keeping in view the provisions contained in Sections 143(2) and 143(3) of N.I. Act, without granting any unnecessary adjournment to the parties, in accordance with law if there is no other legal impediment.

(Ajai Kumar Srivastava-I, J.)

Order Date :- 18.12.2024

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