



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>C528/1568/2026</u> Kusum Sharma --Applicant Versus Ram Pyaare Pathak --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. Vaibhav Singh Chauhan, learned counsel for the applicant. 2. This is second petition for the same cause of action. Earlier applicant has filed Criminal Misc. Application No. 1497 of 2025 for expeditious disposal of Complaint Case No. 07 of 2023 under section 138 of N.I. Act, which was disposed by the Coordinate Bench on 27.08.2025, copy whereof is enclosed as Annexure-2 to the petition. Even after passing of the order by the Coordinate Bench the matter has not been decided and the applicant has again preferred this petition under Section 528 of BNSS, 2023 for expeditious disposal of Complaint Case No. 7 of 2023 (Smt. Kusum Sharma Through Power of Attorney Narendra Kumar Sharma vs. Ram Pyaare Pathak) under Section 138 of Negotiable Instruments Act, 1881 (hereinafter referred to as the 'N.I. Act') pending in the court of Addl. Judicial Magistrate, Doiwala, District Dehradun within a stipulated time. 3. Learned counsel for the applicant submits that present applicant filed a Complaint Case No. 7 of 2023 (Smt. Kusum Sharma Through Power of Attorney Narendra Kumar Sharma vs. Ram Pyaare Pathak) under Section 138 of the NI Act against respondent on 10.01.2023 and respondent was summoned by the court on 13.03.2023 but he did not turn up, thereafter, bailable warrant was issued against him on 17.05.2025 and he got bail on 19.12.2023, thereafter again on 25.04.2024 non-bailable warrant was issued and on 31.08.2024



			respondent moved an application for recall of the non-bailable warrant and since then matter is pending. 4. Learned counsel for the applicant submits that he has initiated the proceeding under Section 138 N.I. Act in the year of 2023, but respondent is not appearing before the court despite non-bailable warrant and he is adopting a delay tactics. 5. Learned counsel for the applicant placed reliance on Section 143(3) of the N.I. Act, which reads as under:- <i>“143. Power of Court to try cases summarily. – (1) ...</i> <i>(2) ...</i> <i>(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.”</i> 6. As it appears from Section 143 (3) of the N.I. Act, every trial shall be concluded 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, whereas in this case, the complaint was filed in the year 2023 and the order-sheet of the said complaint case reveals that on a number of dates the case was listed, but for some reason or the other, it has been adjourned and has not been decided as yet, and no attempts are being made for expediting this proceeding. This is certainly against the mandate of Section 143(3) of the N.I. Act. Therefore, I direct the Court concerned to expedite the proceeding of Complaint Case No. 7 of 2023 (Smt. Kusum Sharma Through Power of Attorney Narendra Kumar Sharma vs. Ram Pyaare Pathak) under Section 138 of the Negotiable Instruments Act, 1881, as early as possible after taking into consideration the mandate of Section 143 (3) of the N.I. Act and the same be concluded positively within a period of six months from the date of production of certified copy of this order. 7. In view of this, the present C-528 petition is disposed of. (Rakesh Thapliyal, J.) 28.07.2026 PR
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