

**HON'BLE SRI JUSTICE M.S.K. JAISWAL**

**CRIMINAL PETITION No.6195 of 2015**

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**ORDER:**

This Criminal Petition is filed, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C'), seeking direction to I Additional Chief Metropolitan Sessions Judge Court to dispose of Criminal Appeal No.291 of 2014 on the next date of hearing.

2. The learned counsel appearing for the petitioner-*de facto* complainant, has taken me through the entire record. What can briefly say is that the petitioner, who filed the private complaint under Section 138 of the Negotiable Instruments Act, has been successful in the trial Court. Aggrieved of the same, the accused has preferred an appeal. During pendency of the matter before the trial Court, the first respondent/accused has filed two miscellaneous petitions and when they were discharged they were challenged before the appellate Court. Since the matter is unsuccessful, the matter is also carried to the Supreme Court. Thereafter when the matter is pending before the appellate Court, the first respondent/accused has filed two petitions viz., Crl.M.P. No.662/2015 and Crl.M.P. No.661/2015 and both the said petitions were dismissed by the learned appellate Court on 24.06.2015. In view of the dismissal of the said two petitions as at present there is no obstacle for the learned appellate Court to dispose of the appeal, which is pending for more than a year.

3. The learned counsel for the petitioner has relied upon a decision of the Supreme Court in **Indian Bank Association and others v. Union of India and others**<sup>[1]</sup>. There is no dispute over the proposition when the matter is filed about the Memorandum of Understanding it needs to be disposed of as expeditiously as possible within the period prescribed. However, taking into consideration the pendency of the case and nature of lis involved, the matter will be

delayed and as already stated the matter has come to High Court on two occasions and the first respondent/accused also went upto Supreme Court questioning the correctness of the order of this Court.

4. Having heard the learned counsel for the petitioner elaborately and on perusal of the material on record, it is felt that appropriate directions be given to the appellate Court to dispose of the appeal at the earliest possible time keeping in view the observations of the Supreme Court in the **Indian Bank Association**'s case cited supra.

5. In the result, the Criminal Petition is allowed and the learned I Additional Chief Metropolitan Sessions Judge, Hyderabad is directed to dispose of Criminal Appeal No.291 of 2014 as expeditiously as possible keeping in view the observations of the Supreme Court in the **Indian Bank Association**'s case cited supra.

Miscellaneous petitions pending, if any, in the Criminal Petition shall stand closed.

**M.S.K. JAISWAL, J**

Date: 13.07.2015  
MVA

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**HON'BLE SRI JUSTICE M.S.K. JAISWAL**

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**CRIMINAL PETITION No.6195 of 2015**

Date: 03.07.2015

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[\[1\]](#) (2014) 5 SCC 590