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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 4236/2016 & CRL.M.A.17662/2016  
SUNINDER SANDHA

..... Petitioner

Through: Mr.Samrat K. Nigam and Mr.Gaurav  
Kakar, Advocates.

versus

STATE & ORS

..... Respondents

Through: Mr.Izhar Ahmad, APP for State.

**CORAM:**

**HON'BLE MR. JUSTICE I.S.MEHTA**

**ORDER**

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**11.11.2016**

**CRL.M.A.17662/2016 (Exemption)**

Exemption granted, subject to all just exceptions.

Application stands disposed of.

**CRL.M.C. 4236/2016**

Notice. Learned APP accepts notice on behalf of the State.

Learned counsel for the petitioner submits that the Court below has inadvertently issued the summons to the accused persons returnable for 10<sup>th</sup> August, 2017 i.e. after a period of 11 ½ months which is against the mandate of law. Counsel for the petitioner has drawn attention of this Court to Section 143(3) of the Negotiable Instruments Act as per which the trial of complaints under this Act 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. In support of his submissions, learned counsel for the petitioner has relied upon the decision of ***Indian Bank Association and Others vs. Union of India and Others*** (2014) 5 Supreme Court Cases 590.

Heard learned counsel for the parties and perused the record.

In view of the submissions made by learned counsel for the petitioner, the present petition is allowed and the impugned order dated 26<sup>th</sup> September, 2016 passed by the learned Metropolitan Magistrate is set aside/quashed only to the extent of the next date of hearing fixed in the matter i.e 10.08.2017 which is more than 11½ months period. The remaining part of the order shall remain the same. It is directed that the petitioner shall file an application before the Learned Metropolitan Magistrate seeking preponement of next date of hearing which shall be considered and disposed of by the learned Magistrate in accordance with the statutory provisions of law and also according to the court date management diary.

The present petition stands disposed of in the above terms.

Copy of this order be given *dasti*, as prayed.

**I.S.MEHTA, J**

**NOVEMBER 11, 2016**  
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