

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR.) No. 207 of 2017

Sadan Kumar Banerjee, S/o. Late K.N. Banerjee, aged about 62 years, (Presently aged about 64 years), R/o. Friends Colony House No.F-5/01, Nutan Chowk, P.S. - Sarkanda, Tahsil and District – Bilaspur (C.G.).

---- **Petitioner**

Versus

Anurag Vilas Konher, S/o. Vilas Vijay Konher, aged about 35 years, R/o. Padmini Enclave, Duplex No.01, First House Right Side of the Gate, Near B.I.T. Ground, Behind C.S.E.B.. Sub-Station, Shankar Nagar, Police Station – Mova Raipur, Post and Tahsil Raipur, District – Raipur (C.G.)

-----**Respondent**

For Petitioner : Mr. Chandresh Shrivastava, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/07/2017

Heard.

1. It is submitted that the petitioner has come before this Court only for direction to expedite the trial in Complaint Case No.1027/2015 within a time framed.
2. It is submitted that the petitioner has filed a complaint for prosecution of respondent for the offence U/s. 138 of Negotiable Instrument Act and Section 402 of I.P.C.
3. The Trial Court has taken cognizance against the respondent for the offence U/s. 138 of Negotiable Instrument Act. Thereafter, number of adjournments have been given for appearance of the respondent but no serious efforts have been made by the trial Court to ensure the appearance of the respondent. On number of occasions, the trial Court

has ordered for issuance of bailable warrant on which no service/non-service of report has been received, even then the trial Court has not made any effort to call for the service/non-service report from the concerned, who are responsible to serve the process issued by the Court.

4. This petition is being disposed off with a direction to the trial Court that merely passing of order of issuance of process either summons or bailable warrant is not sufficient and complete, duty of the trial Court remains to ensure that the process issued by the Court are served, for which agency entrusted for serving of process should be made accountable by sending memos/queries etc. and insisting for submission of service/non-service report so that further steps may be taken for issuance of coercive process or otherwise. The provisions under the Code of Criminal Procedure should be referred to for ensuring the appearance of any person accused in a criminal case.
5. The trial Court is directed to take necessary steps in accordance with the observations made as aforementioned. Further it is directed that after appearance of the accused in the case the trial may be concluded keeping in view of the provisions under Section 143 of the Negotiable Instrument Act.
6. With the above observations, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge