

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR.) No. 223 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, R/o. Padmini Enclave, Duplex No.01, First House Right Side of the Gate, Near B.T. Ground, Behind C.S.E.B.. Sub-Station, Shankar Nagar, 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

19/07/2017

Heard.

1. This petition under Article 226 of Constitution of India has been filed with prayer for issuance of direction to the Court below to conduct expeditious trial in complaint case filed by the petitioner against respondents.
2. It is submitted by the petitioner that a complaint case, which is registered as Case No.12398/2014 was filed on 31.10.2014, in which the trial Court has pleased to take cognizance for trial of offence under Section 138 of the Negotiable Instrument Act by an order dated 16.12.2014. There are orders for issuance of process against the respondent but till date appearance of respondent could not be secured. Hence prayed that direction be issued for expeditious trial in

the case.

3. It is the duty of the trial Court to ensure that process if paid, the process is issued and the process is served. In case, the agency entrusted for serving of process is not acting in compliance of the order passed then such agency 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.
4. 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.
5. With the above observations, the petition stands disposed off.

(Rajendra Chandra Singh Samant)
Judge