

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR.) No. 222 of 2017

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

---- Petitioner

Versus

1. Vaidehi Management and Services Private Limited, above Apollo City Center, Trade View Complex, Third Floor C.M.D. Chowk Bilaspur-495001 (Chhattisgarh)
2. Anurag Vilas Konher, Managing Director, Vaidehi Management & Services Private Limited, Above Apollo City Center, Trade View Complex, Third Floor, C.M.D. Chowk Bilaspur, 495001, Chhattisgarh
3. Smt. Vaidehi Konher, Director, Vaidehi Management & Services Private Limited, Above Apollo City Center, Trade View Complex, Third Floor C.M.D. Chowk Bilaspur 495001, Chhattisgarh
4. Suraj Kumar Shrivastava, Director, Vaidehi Management & Services Private Limited, Railway Colony, Dhanpuri No. 3, Shahdol (Madhya Pradesh) Pin- 484001
5. Abhijit Suresh Astikar, Director, Vaidehi Management & Services Private Limited, B-4/47, Lokmanya Colony, Rohnipuram Raipur-492001, Chhattisgarh

-----Respondents

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 Criminal Case No.12561/2014 was filed on 14.10.2014 in

which the trial Court has pleased to take cognizance for trial of offence under Section 138 of the Negotiable Instrument Act on 19.12.2014. Respondents have appeared and thereafter due to non-appearance of some of the respondents, the case is pending till date and because of which, the proposed trial has not been initiated till date. It is prayed that suitable direction be issued to the Court below to conduct trial expeditiously and this petition can be disposed of at motion stage with suitable direction.

3. As it appears that respondents have already recorded their appearance in the case. Presently due to non-appearance of some of the respondents, the case is pending for service of coercive process on the non-appearing respondents. In such case, the trial Court has duty to ensure that process are issued timely and on the date the case is posted, the process are returned served or unserved so that suitable further order may be passed, if required. Looking to this fact that all the parties are residents of nearby places, hence in such case, posting the case at long interval is not advisable. It is directed that trial Court shall take interest in issuance of service of process against the non-appearing respondents and after the appearance is made proceed for trial expeditiously keeping in view the provisions under Section 143 of the Negotiable Instrument Act and the time limitation mentioned therein.
4. With the above observations, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge