

CRM-M-1125-2023**Date of Decision: January 10, 2023**

M/S Jagdev Mechanical Works and Anr. Petitioner
Versus
M/s Gaurav Electronics and Anr. Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present:- Ms. Shivya Sehgal for the petitioner.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 482 Cr.P.C., a limited prayer has been made for issuance of directions to the Court of learned JMIC, Ludhiana for time-bound/expeditious disposal of complaint bearing No. COMA/1251 of 27.01.2021 filed u/s 138 of Negotiable Instruments Act, 1881, for short 'the Act'.

The facts of the case are that on account of dishonour of one cheque bearing No.000374 dated 18.12.2020 amounting to Rs.20,00,000/-, the petitioner filed a complaint under Section 138 of the Act against respondents. In the aforesaid complaint, the respondents were summoned by the Court of learned JMIC vide order dated 27.01.2021. Respondent No.2 was granted bail by the trial Court on 05.10.2021 and thereafter vide order dated 05.03.2022, the complaint was adjourned for serving of notice of accusation upon the respondents for 11.04.2022 and since then the proceedings are continuing for the same purpose as in between, the respondents have moved an application for recalling of the summoning order.

Referring to the zimni orders attached along with the present petition as Annexure P-2 (at Pages 14-37), learned counsel for the petitioner submits that the complaint is pending before the Court below for the past almost two years without there being any headway to the proceedings and the respondents herein are delaying its disposal for one reason or the other.

I have heard learned counsel for the petitioner and perused the paper-book. From perusal of the zimni orders, one can see through that the summoning order in this case was passed way-back on 27.01.2021 and the respondent No.2 was granted bail on 05.10.2021 and even after the expiry of more than one year, notice of accusation has been served upon the respondents and the proceedings have not continued effectively.

Without commenting upon the merits of the petition, the same is disposed of with a request to the trial Court to proceed with the complaint effectively and dispose of the same expeditiously and preferably within a period of six months.

Keeping in view the nature of proceedings, the present petition is being decided without issuing notice to the respondents, lest it may delay the proceedings before the trial Court.

January 10, 2023
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(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>

