

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-16930-2023
DECIDED ON: 22.05.2023**

VIKAS SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Tarun Vaid, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 of Cr.P.C., for issuance of time bound directions to the Judicial Magistrate 1st Class, Sonipat to complete the trial within six months in a complaint bearing No.NACT/687/2021 dated 17.09.2021 titled as Vikas Singh vs. Suresh Rathore.

This Court on the last date of hearing i.e., 11.04.2023 sought the report from the Judicial Officer as to why long adjournment of 19 months had been granted in the complaint under Section 138 of Negotiable Instruments Act, 1881 bearing No.NACT/687/2021, which was filed on 17.09.2021 titled as *Vikas Singh vs. Suresh Rathore*.

In compliance of the aforesaid order, this Court has received the report dated 27.04.2023 from Civil Judge (Jr. Division)-cum-Judicial Magistrate Ist Class, Sonapat through District & Sessions Judge, Sonapat, wherein after giving details of large number of pending cases with the

concerned Judicial officer i.e., 5165 and the case of the present petitioner is at serial No.5165 on 17.09.2021, which became above in the list at 4547 on 04.11.2022 with the total pendency cases was 5401, the case further came up in the list at serial number 3915.

The Judicial Officer has also mentioned in its report that, to achieve the target of disposal of old cases and in the light of date of institution of the complaint involved in the instant petition, the date of hearing was fixed from 17.09.2021 to 18.04.2022 and thereafter to 04.11.2022. It is also on record to note here that even thereafter, 66 files have been restored till 26.04.2023, after 04.11.2022 and the date, as has been complained by the petitioner has not been given either intentionally or to prolong the proceedings in the instant case, wherein there is no doubt to the fact that priority to the very old cases, which are still pending is to be given as per the action plan category. On 07.09.2021 and 04.11.2022, there was huge pendency and this fact has been found to be incorrect that the date has been given of 19 months, whereas it was listed thrice during the period of these 19 months. And as per the action plan for the year 2022-23, the disposal of 750 old cases was to be achieved by 31.03.2023.

It is also apparent from the report that the Judicial Officer has decided 4 cases, which were 10 years old and out of 106 cases of 5 years old category, (6 cases stayed) and 86 cases were decided up to 31.03.2023 with a target to be achieved of 1000 oldest cases till 31.03.2024, as per the action plan for the year 2023-24.

After having gone through the report, this Court is duly convinced with the proceedings of the case and is not inclined to interfere for issuance of any such direction to the Judicial officer at this stage. However, it

is expected that the proceedings in the case along with other pending cases adhering to the action plan category shall be expedited by exploring further possibility of avoiding any longer date for adjournment.

The petition, therefore, being devoid of merits stands dismissed.

22.05.2023

Meenu

(SANDEEP MOUDGIL)
JUDGE

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