

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-13277 of 2024
Date of Decision: 15.03.2024

M/s Shree Balaji Exim India ...Petitioner
Versus
M/s Balaji Emporium and others ... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Aayush Gupta, Advocate, for the petitioner.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 Cr.P.C. with a prayer to direct the Judicial Magistrate 1st Class, Ludhiana to decide the complaint CIS No. COMA/12397/2019 titled as “**M/s Shree Balaji Exim India Vs. M/s Balaji Emporium**” in a time bound manner.
2. Learned counsel for the petitioner contends that the petitioner had filed a criminal complaint under Section 138 of the Negotiable Instruments Act 1881 (hereinafter to be referred as '**the Act**') on 12.09.2018. He further contends that vide order dated 10.10.2018, the accused were ordered to be summoned by the trial Court and the respondents had appeared before the trial Court on 18.01.2019. Learned counsel further contends that after their appearance, the respondents made every possible effort to delay the

trial proceedings on several occasions. Learned counsel further relies upon the various interim orders (Annexure P-2) passed by the trial Court to contend that the trial has been unreasonably delayed by the respondents. Learned counsel further submits that Section 143 of the Act provides that the trial of a case under the provisions of the Act shall be continued from day to day basis, until its conclusion, unless the Court finds the adjournment of the trial beyond the following day to be necessary for the reasons to be recorded in writing. Even, as per the provisions of Section 143(3) of the Act, every trial under the Act has to be conducted as expeditiously as possible and an endeavor should be made to conclude the trial within a period of 06 months from the date of the filing of the complaint. Learned counsel further contends that the present case is pending before the trial Court for the last 06 years and since a huge amount is involved in the present case, the petitioner is facing financial crisis.

3. At this stage, this Court deems it appropriate not to issue notice to the respondents as the rights of the respondents would not be prejudiced in any manner by this order. However, in case, the respondents find that some concealment of fact has been made in the present petition, they would be at liberty to move an appropriate application before this Court.

4. I have heard learned counsel for the petitioner and perused the record.

5. It is apparent from the record that the complaint in the present case was filed on 12.09.2018 and the case is pending before the trial Court for the last more than 05 years. Consequently, the petition is allowed and the trial Court is directed to expedite the trial and conclude the same as early as possible, preferably, within a period of 08 months from today.

15.03.2024

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No