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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 1728/2024**

GULZARI LAL

..... Petitioner

Through: Mr. Lal Singh Thakur, Mr. Sudhir Tewatia, Mr. Vishal Ji, Mr. Karan, Mr. Prashant Solanki, Ms. Mansi and Mr. Sahil Gandhi, Advocates.

versus

ALOK GUPTA

..... Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **29.02.2024**

CRL.M.A. 6621/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This petition has been filed on behalf of the Petitioner under Section 482 Cr.P.C. seeking direction to Ms. Kirandeep Kaur, learned M.M. (NI Act)-03, Tis Hazari Courts, West, Delhi to conclude the trial expeditiously in complaint case being CT No. 3830/2017 filed by the Petitioner herein, under Section 138 of the Negotiable Instruments Act, 1881 titled as '*Gulzari Lal v. Alok Gupta*'.
4. Taking the Court through chronology of list of dates and events, learned counsel for the Petitioner strenuously urges that Petitioner is an 85



years old person who has been running from pillar to post since April 2015 to recover his money due from the Respondent. Unable to recover the money, Petitioner filed the present complaint before the Trial Court in 2017, but till date, there is no substantial progress in the trial on account of dilatory tactics against the Complainant. It is argued that the order sheets would reveal that the complaint was filed in 2017 and notice was framed against the Respondent on 27.03.2018. Application filed by the Respondent under Section 145(2) of NI Act was allowed on 27.07.2019. Matter could not proceed further, understandably, between April, 2020 to October, 2021 due to Pandemic COVID-19. However, thereafter Respondent had only sought exceptions or changed his counsel. Petitioner was cross-examined as CW-1 on 13.09.2022 and discharged and statement of the Respondent was recorded under Section 313 Cr.P.C. Respondent was given opportunity to file application under Section 315 Cr.P.C. with list of witnesses. With an intent to delay the proceedings, Respondent filed an application under Section 311 Cr.P.C. on 19.11.2022, which was allowed on 10.04.2023 subject to cost of Rs.20,000/-. On 08.11.2023, Respondent filed an application under Section 243 Cr.P.C. to summon the handwriting expert and last opportunity was given to lead defence evidence. It is urged that Respondent has been delaying the proceedings for one reason or the other and the Trial Court is accommodating him on each date.

5. I have heard the learned counsel for the Petitioner and examined the limited relief sought in the present petition.

6. There is no dispute that the complaint from which the present petition arises, was filed by the Petitioner in 2017 and he is today 85 years of age. Order sheets too reflect that number of adjournments have been taken by the



Respondent by either filing one or the other application and/or any other reason. *Albeit* it cannot be said that the Trial Court has been unnecessarily granting adjournments on all dates, as on some of the dates, Respondent has moved applications which were justified for his defence. This Court cannot, however, gloss over the aim and objective behind the NI Act. It has been repeatedly held by the Courts that expeditious disposal of cases pertaining to dishonour of cheques is imperative, else trust and confidence is lost in commercial transactions between the parties.

7. This Court, therefore, deems it appropriate to dispose of this petition with a request to the learned Trial Court to ensure that the trial is concluded expeditiously and no unnecessary adjournments are granted to the Respondent, considering the length of time for which the trial has remained pending and the fact that Petitioner is 85 years of age and has been litigating in Court since 2017.

8. It is made clear that this Court has not expressed any opinion on the merits of the case.

9. Petition stands disposed of with the aforesaid directions.

JYOTI SINGH, J

FEBRUARY 29, 2024/shivam