2026:AHC:208461

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 529 BNSS No. - 4421 of 2026

Ram Avatar Gupta

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Pravin Kumar Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 82

HON'BLE JAI PRAKASH TIWARI, J.

Heard learned counsel for the applicant and learned A.G.A for the State as also perused the record.

This application under Section 529 BNSS has been filed seeking direction to the court concerned to expedite and decide the complaint case no. 902 of 2023 (Ram Avatar Gupta vs. Kailash Chand Sati), under Section 138 of Negotiable Instruments Act, 1881, Police Station Beta-II, District Gautam Buddh Nagar pending before the Special Court-138, N.I. Act, Gautam Buddh Nagar, expeditiously within stipulated period.

As per submission of learned counsel for the applicant, a complaint dated 27.01.2023 was filed by the applicant against the party no. 2 under Section 138 of N.I. Act. Summoning order was passed on 5.4.2023 by the court concerned. Thereafter, on 30.04.2025, opposite party no. 2 appeared before the trial court and presented his bail application before the court concerned, wherein he has been granted bail by the court concerned. It is submitted that opposite party no. 2 has full knowledge about the present proceedings, but he is not cooperating with the present trial. Learned counsel for the applicant submits that the present complaint case is pending since 2023 and therefore, a substantial period of time has already lapsed.

Here, it is relevant to note that Section 143(2) and 143(3) of the Negotiable Instruments Act, 1881 provides that:-

"(2) The trial of a case under this section shall, so far as practicable, consistently with

the interests of justice, be continued from day to day until its conclusion, unless the Court finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded in writing.

(3) Every trial under this section shall be conducted as expeditiously as possible and an endeavour shall be made to conclude the trial within six months from the date of filing of the complaint."

Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, this application is finally **disposed of** with a direction to the court concerned to decide the aforesaid complaint case and conclude the trial in accordance with law, keeping in view the procedure, as expeditiously as possible, within one year, without granting any unnecessary or long adjournments to either of the parties, as per the provision of Section 143(2) and (3) of the N.I. Act, from the date of presentation of a certified copy of this order before the court, if there is no other legal impediment.

(Jai Prakash Tiwari,J.)

October 6, 2026
Brijesh

Digitally signed by :-
BRIJESH KUMAR
High Court of Judicature at Allahabad