HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 529 BNSS No. - 5525 of 2026

Deshdeepak Shukla

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Arun Kumar Bhatt, Ashif, Zafar Ali
Counsel for Opposite Party(s)	:	G.A.

Court No. - 82

HON'BLE JAI PRAKASH TIWARI, J.

Heard learned counsel for the applicant as well as learned A.G.A. for the State.

This application under Section 529 BNSS has been filed with the prayer to direct the court concerned to decide the Case/Complaint No. 6058/2025, under Section 138 of the Negotiable Instruments Act, Police Station Kotwali District Fatehpur pending before the court of ACJM, Court No.3, Fatehpur expeditiously within a stipulated period.

Learned counsel for the applicant submits that the said case has been instituted in the year 2025 and a considerable period has already been lapsed and case/complaint has not been decided yet.

It would be relevant to mention herein the provision of Section 143 in The Negotiable Instruments Act, 1881:-

> *143. Power of Court to try cases summarily.—*
>
> *(1)Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), all offences under this Chapter shall be tried by a Judicial Magistrate of the first class or by a Metropolitan Magistrate and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trials:Provided that in the case of any conviction in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of*

> *imprisonment for a term not exceeding one year and an amount of fine exceeding five thousand rupees:Provided further that when at the commencement of, or in the course of, a summary trial under this section, it appears to the Magistrate that the nature of the case is such that a sentence of imprisonment for a term exceeding one year may have to be passed or that it is, for any other reason, undesirable to try the case summarily, the Magistrate shall after hearing the parties, record an order to that effect and thereafter recall any witness who may have been examined and proceed to hear or rehear the case in the manner provided by the said Code.*
>
> *(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.*

The primary object of Section 138 of the Negotiable Instruments Act is to preserve the credibility of commercial transactions and protect a payee from prolonged financial distress arising from a dishonoured cheque. To secure this objective, Section 143(3) of the Act explicitly provides that the trials under Section 138 of the Act shall be conducted as expeditiously as possible, with an endeavour to conclude the same within six months from the filing of the complaint.

Considering the facts and circumstances of the present case, the court concerned is directed to make all endeavours to decide the aforesaid case in accordance with law, keeping in view the provisions of Section 143 (3) of the Negotiable Instruments Act, as expeditiously as possible, after giving opportunity of hearing to both the parties, without giving any unnecessary adjournments to either parties, if there is no other legal impediment in deciding the aforesaid case.

With the aforesaid observations, the instant application is finally **disposed of**.

(Jai Prakash Tiwari,J.)

November 2, 2026
S.K.

Digitally signed by :-
SWEETY KANOJIA
High Court of Judicature at Allahabad