

Court No. - 80

Case :- APPLICATION U/S 482 No. - 15190 of 2022

Applicant :- Pradeep Kumar Nagar

Opposite Party :- State Of U.P And Another

Counsel for Applicant :- Dheeraj Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Misra,J.

Heard Mr. Dheeraj Kumar Singh, the learned counsel for applicant and the learned A.G.A. for State.

Perused the record.

This application under section 482 Cr.P.C. has been filed for a direction to Additional Court, Court No.3, Gautam Budh Nagar to decide Complaint Case No. 2956 of 2017 (Pradeep Kumar Nagar Vs. Dipak) under section 138 N.I. Act, Police Station-Kasna, District Gautam Budh Nagar expeditiously and within a time bound period, fixed by this Court.

Learned counsel for applicant contends that above mentioned complaint case was instituted in the year 2017. However, inspite of the fact that a period of more than four years and six months have rolled by from the date of institution of aforementioned complaint, same has not been decided as yet. He has then invited attention of Court to Section 143 (3) of N.I. Act and on basis thereof he submits that proceedings under sections 138 N.I. Act ought to be completed within a period of six months. However, in the present case, the legislative mandate has been clearly ignored by Court below. Statement of accused was recorded on 3.7.2021. Since then case has been adjourned on the prayer for adjournment prayed on behalf of accused.

On the aforesaid premise, learned counsel for applicant submits that interest of justice shall be served in case a direction is issued by this Court to Court below to conclude the proceedings of above mentioned complaint case within a time bound period fixed by this Court.

Learned A.G.A. does not dispute the submissions urged by learned counsel for applicant.

Having heard learned counsel for applicant, learned A.G.A. for State and upon perusal of record, this Court finds that no useful purpose shall be served by keeping this application pending.

Accordingly, this application is disposed of finally with a direction to Additional Court, Gautam Buddh Nagar to proceed with aforementioned complaint case with all expedition without granting unnecessary adjournment to either of the parties by fixing three dates in a week. Court below shall conclude the proceedings of above mentioned complaint case, within a period of six months. It is further directed that in case adjournment is inevitable, same shall be granted only on the cost of Rs. 2,500/- per date, payable to complainant and vice versa.

Order Date :- 22.7.2022

Arshad