

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
Criminal Misc. Application No. 395 of 2024

Pramod Tiwari

.....Petitioner

Vs.

State of Uttarakhand and Another

..... Respondents

Present:-

Mr. Jai Krishna Pandey, Advocate for the petitioner.

Mr. Pankaj Joshi, A.G.A. for the State.

Hon'ble Ravindra Maithani, J. (Oral)

By means of this petition, the petitioner seeks directions for expeditious disposal of the Complaint Case No.505 of 2022, Sri. Mohit Kabadwal Vs. Pramod Tiwari, under Section 138 of the Negotiable Instruments Act, 1881 ("the Act"), pending in the court of Judicial Magistrate I, Haldwani, Distract Nainital ("the case").

2. Heard learned counsel for the petitioner and perused the record.

3. The petitioner is the accused in the case. It is submitted that the case is pending since 2022, but the respondent no.2, who is the complainant, is not appearing for cross examination for the last 1 year. The ordersheet of the case has been filed.

4. Perusal of the order sheet reveals that on 20.06.2023, an affidavit of PW1 was given and, thereafter, the matter was fixed for cross examination of PW1. On perusal of the ordersheet, it appears that

on the application of the complainant, the matter has been adjourned.

5. Undoubtedly, unnecessary adjournments are to be discouraged and all efforts are to be made to decide the case as expeditiously as possible.

6. It is true that Section 143(3) of the Act, *inter alia*, provides that 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 complaints. It is also true that it has not been done in the instant case. But, in every case, this Court may not direct for deciding the case of the instant nature within six months. This Court has no doubt that the cases are decided as expeditiously as possible keeping in view the type of cases, age of cases and pendency of cases in a particular court.

7. With the above observation, the petition stands disposed of, accordingly.

(Ravindra Maithani, J.)

27.09.2024