2026:AHC:212840

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 529 BNSS No. - 4892 of 2026

Vivek Kumar Singh

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s) : Mahendra Pratap, Sushil Kumar Tewari
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 the hearing of Case No. 1254 of 2024 (Vivek vs. Vijay Shankar), under Section 138 of Negotiable Instruments Act, 1881, Police Station Tejibazar, District Jaunpur, pending before the court of learned Judicial Magistrate-I, Court No. 17, Jaunpur, expeditiously within stipulated period.

As per submission of learned counsel for the applicant, on 04.12.2024, the applicant has filed a case against the opposite party no. 2 under Section 138 N.I. Act. It is submitted that even a period of one year and 9 months has been elapsed and the court concerned has summoned the opposite party no. 2 on 16.3.2026, but opposite party no. 2 did not appear in the case. The present case is pending since December, 2024 and therefore, a substantial period of time has already lapsed.

Here, it would be relevant to note Section 143 of the Negotiable Instruments Act, 1881, which provides that:

"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."

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 case and conclude the trial in accordance with law, keeping in view the procedure, as expeditiously as possible, without granting any unnecessary or long adjournments to either of the parties, as per the provision of Section 143(3) of the N.I. Act, if there is no other legal impediment. However, it is expected that both the parties shall cooperate with the trial.

(Jai Prakash Tiwari,J.)

October 9, 2026
Brijesh

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