



UPMZ010115982024

COURT OF ADDITIONAL SESSIONS JUDGE, COURT NO. 4

Muzaffarnagar

Present: Kanishk Kumar Singh, H.J.S ID: UP2676

Criminal Revision No. 468 of 2024

Sushil Kumar Gupta

Versus

Smt. Preeti

Complaint Case No. 7676 / 2022

U/Sec. 138 N. I. Act

P.S. Nai Mandi

Distt. Muzaffarnagar

JUDGEMENT

1. This Criminal Revision has been preferred against the impugned order dated 16.10.2024 passed by the Ld. Additional Civil Judge (Sr. Div.)/Additional C.J.M. Court No. 1, Muzaffarnagar in Complaint Case No. 7676/ 2022 titled as “Sushil Kumar Gupta Vs. Smt. Preeti” dismissing the application dated 16.10.2024 seeking adjournment filed by the complainant- Sushil Kumar Gupta S/o Late Anand Prakash R/o House No. 250 Brahmpuri, P.S.- Civil Lines (hereinafter called the revisionist).
2. Heard the Ld. Counsel for the revisionist as well and the Ld. Counsel for the respondent at length and I have gone through the trial court record.
3. The facts in brief are that the revisionist had filed a complaint case U/s. 138 N.I. Act against Smt. Preeti D/o Yogesh Chand Arron, R/o. House No. 72/110 Agrasen Vihar, P.S. Nai Mandi, Muzaffarnagar, other address:C-2240, Sushant Lok Phase-1, Gurugram, Haryana (hereinafter called the respondent) which is pending trial in the court of Ld. Additional Civil Judge (Sr. Div.) / Additional C.J.M. Court No.1, Muzaffarnagar as Complaint Case No. 7676/

2022 titled as “Sushil Kumar Gupta vs. Smt. Preeti”. During the pendency of the case the revisionist / complainant had filed an application on 16.10.2024 in the trial court seeking adjournment on the ground that the revisionist had by way of Criminal Revision No. 455/2024 had challenged the order dated 20.09.2024 passed by the trial court, and the revision was to be heard on 22.10.2024, therefore some other date be given by the trial court.

4. The Ld. Trial Court vide impugned order dated 16.10.2024 had dismissed the said application with an observation that in the complaint case pending before it U/s. 138 N.I. Act on the last date of hearing the matter was adjourned on the request of the revisionist since he needed time to file the revision petition, and by way of the application dated 16.10.2024 the revisionist is again praying for adjournment on the same grounds. Hon’ble High Court has given directions for expeditious disposal of the complaint case, and no stay on the proceedings has been granted by the court where the revision was pending. The Ld. Trial Court vide impugned order dated 16.10.2024 dismissed the application dated 16.10.2024 filed by the revisionist and fixed the case for recording of the statement of accused U/s. 313 Cr.P.C. Feeling aggrieved by the impugned order the revisionist has filed the present revision petition.
5. The grounds taken by the revisionist on which he has challenged the impugned order dated 16.10.2024 are that the Ld. Trial Court has passed an incorrect, improper and wrong order. The Ld. Trial Court has passed the impugned order without application of judicial mind. The impugned order has been passed by the Ld. Trial Court arbitrarily and the Ld. Trial Court had exceeded its jurisdiction while passing the impugned order. It is also mentioned in the petition that the revisionist had filed an application dated 08.09.2024 along with the list of witnesses dated 09.04.2024 to get summoned the bank officials mentioned at No.4 &5 along with the record. As per the averments in the revision petition neither the respondent – accused nor the learned counsel for the respondent had objected to the application moved by the revisionist, but the Ld. Trial Court had arbitrarily dismissed the application dated 08.09.2024. It has also been contended by the revisionist that there is a criminal revision No. 455/2024 pending adjudication wherein the impugned order dated 20.09.2024 is under challenge, and the next date of the said revision is 22.10.2024.

6. As per the present revision petition, the application for seeking adjournment was moved by the revisionist herein on 16.10.2024 but the same was dismissed by the trial court vide impugned order dated 16.10.2024 and the complaint case was fixed for recording of statement of accused U/s. 313 Cr.P.C. therefore the opportunity to adduce evidence had also been automatically stood closed. It is also mentioned in the present revision petition that the revisionist herein should have been given the opportunity to produce evidence by the trial court. It is prayed in the present revision petition that the impugned order dated 16.10.2024 be set aside and the trial court be directed to allow application seeking adjournment dated 16.10.2024.
7. The Ld. Counsel for the revisionist herein has reiterated in his arguments the grounds taken in the revision petition and prayed that the revision petition be allowed and the impugned order dated 16.10.2024 be set aside.
8. Per contra, the Ld. Counsel for Respondent has submitted that there is no illegality in the impugned order and prayed that the revision be dismissed.
9. In the present case vide impugned order dated 16.10.2024 the Ld. Trial Court had declined the prayer made by the revisionist to adjourn the proceedings on account of revision No. 455/2024 being pending adjudication in which order dated 20.09.2024 had been impugned, since the Ld. Trial court had on the last date already adjourned the proceedings on the same grounds. The Ld. Trial Court has mentioned in the impugned order that the court where the revision No. 455/2024 was pending had not stayed the proceedings of the trial court in the complaint case.
10. After having perused the grounds taken by the revisionist in the petition, the impugned order, the trial court record and hearing the Ld. Counsel for the Revisionist, and Ld. Counsel for the Respondent, I am of the view that the impugned order passed by the Ld. Trial Court is neither wrong nor improper or incorrect. The Ld. Trial Court had rightly exercised its jurisdiction while passing the impugned order dated 16.10.2024. There is no infirmity, illegality or irregularity in the impugned order dated 16.10.2024 passed by the Ld. Additional Chief Judicial Magistrate Court No. 1, Muzaffarnagar. Moreover, the impugned order dated 16.10.2024 whereby adjournment has been denied is an interlocutory order, and the revision against it is not maintainable. The Ld. Trial court had not exceeded its jurisdiction while passing the impugned order. In view of the aforesaid reasons I do not find any merit in the revision

petition, the averments made in the present revision petition are frivolous, and the revision deserves to be dismissed.

ORDER

In view of above-mentioned reasons and discussion I am of the considered view that there is no infirmity, irregularity or illegality in the impugned order dated 16.10.2024 passed by Ld. Additional Chief Judicial Magistrate Court No. 1, Muzaffarnagar. Accordingly the revision petition is dismissed. The revision petition stands disposed of.

Date: 24/12/2024

(Kanishk Kumar Singh)

ID: UP 2676

Additional Sessions Judge, Court No.4

Muzaffarnagar

Judgment signed, dated and pronounced by me in the open court today.

Date: 24/12/2024

(Kanishk Kumar Singh)

ID: UP 2676

Additional Sessions Judge, Court No.4

Muzaffarnagar