



HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc Application No. 1764 of 2026

14 August, 2026

M/s Jaydee Infrastructure

--Applicant

Versus

Mohit Batola

--Respondent

Presence:-

Mr. Ramji Srivastava, learned counsel for the applicant.

Hon'ble Pankaj Purohit, J.

By means of the present C528/529 application under the BNSS, 2023, applicant seeks the indulgence of this Court for issuing a direction to the learned trial court to expedite the hearing of Criminal Complaint Case No.2822 of 2020, *M/s Jaydee Infrastructure vs. Mohit Batola*, under Section 138 of the Negotiable Instruments Act, 1881 (for short, "the Act, 1881").

2. The case of the applicant is that complaint was filed by the applicant in the year 2020. Respondent-Mohit Batola was summoned by the learned trial court. He challenged summoning order, along with the entire proceedings of the aforesaid criminal complaint case, by filing C482 No.1022 of 2022, *Mohit Batola vs. M/s Jaydee Infrastructure*, which was ultimately dismissed by this Court vide order dated 04.09.2025. Respondent-Mohit Batola challenged the said order dated 04.09.2025 by filing SLP (Crl.) No. 17819 of 2025, *Mohit Batola vs. M/s Jaydee Capital Infrastructure*, before the Apex Court. Apex Court, vide its order dated 17.11.2025, dismissed the said SLP. However, liberty was granted to the respondent (who was the petitioner before the Apex



Court), to seek exemption from personal appearance before the trial court.

3. Respondent-Mohit Batola moved an application dated 23.12.2025 seeking exemption from personal appearance. However, when he failed to appear before the trial court, the learned trial court issued a non-bailable warrant against him on 14.01.2026. Feeling aggrieved by issuance of the non-bailable warrant, respondent-Mohit Batola preferred a revision petition before the learned Sessions Judge. The said revision petition was disposed of by learned Sessions Judge vide order dated 20.04.2026, directing learned trial court to decide the exemption application moved by respondent-Mohit Batola, and the non-bailable warrant was set-aside.

4. The grievance of the applicant before this Court is that respondent is still not appearing before the learned trial court and, therefore, application seeking exemption from personal appearance is still pending for disposal.

5. Learned counsel for the applicant submits that the matter is not proceeding further as the exemption application is pending consideration and, therefore, he knocked the door of this Court to get justice in the matter.

6. Having heard learned counsel for the applicant and having perused the record as well as the order-sheets annexed by the applicant, this Court is of the view that it is a fit case in which a direction can be issued to the learned trial court to expedite the hearing of the aforesaid criminal complaint case. More particularly, for the reason that Section 143(3) of the Act, 1881 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 complaint. For ready reference, Section 143(3) of the Act, 1881 is quoted hereinbelow:—

“143. Power of Court to try cases summarily-
(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.”

7. In view of the aforesaid facts and circumstances, the present C528/529 application is hereby allowed. Learned trial court is directed to expedite the hearing of Criminal Complaint Case No.2822 of 2020, *M/s Jaydee Infrastructure vs. Mohit Batola*, strictly in accordance with law, by taking all necessary measures to secure the presence of respondent-Mohit Batola, and endeavour to conclude the trial within a period of six months from the date of production of certified copy of this order.

8. Pending application, if any, stands disposed of accordingly.

(Pankaj Purohit, J.)
14.08.2026

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