

IN THE COURT OF SHRI ANIMESH RANJAN

JUDICIAL MAGISTRATE (F.C.), GOGARI, KHAGARIA || Court No.02

Complaint Case No.02C/2025

Jai Kishor Rai Vs. Manish Kumar & Ors.

Date	ORDER WITH INITIALS OF THE JUDGE	Remark
30.06.2026	1. The record has been placed before the Court for recording the statement of the witness(es). Upon careful perusal of the record, it is evident that the complainant, Jai Kishor Rai, has instituted the present complaint case against four and nine unknown accused persons, namely 1.Manish Kumar, 2.Mithilesh Chaudhary, 3. Saurabh Chaudhary, 4. Sailesh Chaudhary, & nine unknown persons, all residents of village Bharso, Police Station- Parbatta, District- Khagaria. 2. It is observed that the complainant was directed to produce enquiry witness before the Court for recording statement and that of his enquiry witnesses, with the final opportunity granted vide order dated 17.06.2026. Despite being provided more than six separate dates for the purpose, the complainant has consistently failed to appear. Furthermore, the complaint was filed on 02.01.2025, and more than seventeen months have elapsed since then. This prolonged inaction clearly demonstrates the complainant's lack of interest in prosecuting the case. 3. The Hon'ble Supreme Court in <i>Pepsi Foods Ltd. v. Special Judicial Magistrate</i>, (1998) 5 SCC 749, has ruled that summoning of an accused in a criminal case is a serious matter. Criminal law cannot be set into motion as a matter of course. Further, Magistrate has to carefully scrutinise the evidence brought on record and may even himself put questions to the complainant and his witnesses to elicit answers to find out the truthfulness of the allegations or otherwise and then examine if any offence is prima facie committed by all or any of the accused.	

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Therefore, it is crystal clear that the complainant does not want to proceed with the case.

4. Considering the above facts and circumstances of the case it appears that the complainant has been given sufficient opportunity to follow up his case, but remained reluctant in approach leads to conclude that complainant is not interested in the instant case. Further it is crystal clear that the complainant does not want to proceed with the case. There is no material on record for proceeding. Therefore, this Court deems it fit to dismiss the instant complaint case under Section 203 Cr.P.C. or Section 226 of B.N.S.S.

5. Office Clerk is directed to recall processes, if any and comply with other procedural requirements. Let this record be consigned to the record room accordingly.

Case Stands Disposed.

Dictated



J.M.F.C, Gogari.

Date of Order	30.06.2026
Date of reserving Order	NA
Uploading date	30.6.26
Uploaded by	Aravind Kumar.