

In the Court of Sri Praveen Kumar, Judicial Magistrate, First Class, Dehri, Rohtas.
Complaint Case No. 79 (0) of 2002

Serial Number of Order	Date of Order	Order with initials of the Magistrate.	Office notes as to action taken on order (if any) and date
1	2	3	4
	01.08.2024	The instant complainant case has been filed in the year 2002 by the Factory Inspector, Rohatas Circle, Dehri, against Suchit Kumar Dixit and others for the offences punishable under section 92 of the Factories Act, 1948. On presentation of the prosecution report against the accused persons, cognizance of the offence punishable under section 92 of the Factories Act, 1948 was taken on 10.06.2002 and the accused persons named in the prosecution report were summoned by this court. The SHO, Dalmiyanagar, Dehri, has reported on 02.05.2010 that the summons could not be served upon the accused persons for want of their complete address. Thereafter, this court has kept directing the prosecution to furnish the complete address of the accused persons named in the prosecution report. However, in spite of repeated directions of the court, the prosecution has failed to furnish the addresses of the accused persons. The offence punishable under section 92 of the Factories Act, 1948 is a summons triable one. The complainant, who is the factory inspector in this case, has not been taking any interest in the case. The case seems to have reached a dead end, and nothing is happening. As stated earlier, this case is a summons triable one. Section 256 of CrPC reads as under- <i>“256. Non- appearance or death of complainant.</i> <i>(1) If the summons has been issued on complaint, and on the day appointed for the appearance of the accused, or any day subsequent thereto to which the hearing may be adjourned, the complainant does not appear, the Magistrate shall, notwithstanding anything hereinbefore contained, acquit the accused, unless for some reason he thinks it proper to adjourn the hearing of the case to some other day: Provided that where the complainant is</i>	

represented by a pleader or by the officer conducting the prosecution or where the Magistrate is of opinion that the personal attendance of the complainant is not necessary, the Magistrate may dispense with his attendance and proceed with the case.

(2) The provisions of sub- section (1) shall, so far as may be, apply also to cases where the non- appearance of the complainant is due to his death. "

Thus, as per Section 256 CrPC, if complainant remains absent on any day fixed for hearing, the accused person may be acquitted.

In light of aforesaid facts, this court is of the view that continuing the proceeding in this case would serve no purpose at all. Thus, in view of provision contained in section 256 of CrPC, this court deems it fit to acquit the accused person of the case.

O/c is directed to deposit the record in record room as per the rules after making necessary entries in the CIS.


JMFC