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IN THE COURT OF 10TH ADDITIONAL SENIOR CIVIL JUDGE & ACJM, RAJKOT

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C.C No. 5758.2019

-:: Order below Exh.-01 ::-

1. Read the complaint and the case papers after filing of the complaint and number of times summons is issued from the court, but unserved.

Looking to the provision of sec 256 of CRPC: Non appearance or death of the complainant:

(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 herein before 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 complaint is represented by a pleader or by the officer conducting the prosecution or where the magistrate is of the 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 provision 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.

2. Looking to the provision and the case papers and the principle of law, keeping in mind such kind of cases will a wastage of time and money. Hence looking to the principles, legal provisions and number of opportunities given to the complainant but the complainant did not make sure to present before the court. Hence I pass the following order.

-:: O R D E R ::-

- The said complaint is dismissed vide CRPC Provision -256.
- Order Pronounced in the open court as on 22.06.2024.

Date: 22/06/2024

[I. M. Shaikh]
10th Addl. Chief Judicial Magistrate,
R A J K O T
(Judge Code-01485)