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**IN THE COURT OF 21ST ADDITIONAL SENIOR CIVIL JUDGE &
ACJM SURAT**

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CC No.45846/2019

Order Below Exh. 1

1. Read the complaint and the case papers after filing of the complaint and number of times summons is issued from the court, but complainant is absent and not in contact with the learned advocate of the complainant. Hence Learned advocate of the complainant stated that necessary order may be passed.

Looking to the provision of Section-256 of Cr. P. C. :- **Non appearance or death of the complainant -**

(1) If the summons has been issued on complaint and on the day appoint 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 complaint 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 complaint is due to his death.

2. Looking to the provision and the case papers and the principals of law, Keeping ideal such kind of cases will a wastage of time and money. Hence, looking to the principals, 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.

ORDER

- The said complaint is dismissed vide Cr.P.C. provision -256.

Order pronounced in the open court on. **13.08.2022.**

Dt:- 13/08/2022
Surat

(**I. M. Shaikh**)
21st Addi. Senior Civil Judge & ACJM
SURAT
(Judge Code- 01485)