

Order Below ex-1

1. The present complaint has been filed by the Complainant under Section 138 of the Negotiable Instruments Act, 1881, against the Accused for the dishonor of Cheque No.870155, dated 1st February 2022, for an amount of ₹2,77,065/- (Rupees Two Lakh Seventy-seven Thousand sixty five Only).
2. Record shows that the Accused entered his appearance on 1st September 2022 and his plea was recorded. The matter was subsequently fixed for Complainant's Evidence.
3. Perusal of the order sheets reveals a persistent history of non-appearance on the part of the Complainant. On the last three consecutive dates of hearing, i.e., 25th February 2026, 13th March 2026, and 29th April 2026, the Complainant failed to appear before this Court to lead evidence. On every such occasion, an adjournment application was preferred on his behalf by his counsel.
4. Today, when the matter is called out for hearing, the Accused is present along with his counsel, ready to proceed. However, despite repeated calls since the morning session, the Complainant is absent, and the Complainant's counsel has once again moved an application for adjournment.
5. It appears that the Complainant has lost interest in prosecuting the present complaint and is deliberately delaying the trial, causing unnecessary harassment to the Accused who has been regularly attending court. Ample opportunities have already been granted to the Complainant.
6. In view of the continuous absence of the Complainant and their failure to prosecute the case diligently, this Court finds no justified ground to adjourn the matter any further. The adjournment application filed today by the Complainant's counsel stands rejected.
7. Therefore, exercising the powers vested in this Court under **Section 256 of the Code of Criminal Procedure, 1973** (*now Section 289 of the Bharatiya Nagarik Suraksha Sanhita, 2023*), the present complaint is hereby **DISMISSED FOR NON-PROSECUTION / DEFAULT**.

8. Consequently, the Accused stands **ACQUITTED** of the offense punishable under Section 138 of the Negotiable Instruments Act, 1881.

9. The bail bonds and surety bonds of the Accused, if any, stand discharged.

Date:- 18/05/2026

Meghraj

(Mrs. Jinal Vishal Adhiya)

Additional Civil Judge,

Meghraj

GJ01408