

IN THE HON'BLE 3rd ADDL. SESSIONS COURT,
AT JAMNAGAR.

ORDER BELOW EXHIBIT - 1
IN
CRIMINAL REVISION APPLICATION NO. 93/2025

APPEARANCE :-

Ld. Advocate for the Appellant	<i>Mr. H. H. Chotai</i>
Ld. Advocate for the Respondent No.1/State	<i>Mr. D. A. Jivrajani</i>
Ld. Advocate for the Respondent No.2	<i>- None -</i>

The Petitioner is the Original Complainant, who had filed Criminal Case No.2870/2022 against the Respondent No.2/Accused for the offence Punishable Under Section 138 of Negotiable Instrument Act and the same was dismissed for default by the Hon'ble Trial Court by order dated 09/09/2025 passed below Exh.-1 by Ld. 4th Additional Chief Judicial Magistrate, Jamnagar, on the ground of failure to produce new address of the Accused for service of process. This Court had time and again issued notice to the Respondent No.2 but same was not served. Lastly, the notice at Exh.-10 was served upon the Accused, but none appeared for the Accused. It reflects that the Accused is trying to avoid the process of the Court even before this Court and even before the Trial Court. The Accused is appearing in another matter filed by the present complainant in the Hon'ble Trial Court. Under such circumstances, if the Complainant is being dismissed for default, then it will be injustice to complainant. The accused is well aware with the proceeding of Criminal Case No. 2870/2022 as well as of this revision. In spite of that, he avoids the process. Under such circumstances, it is just and proper to restore the Criminal Case No.2870/2022 to its original file and to proceed the matter further, in accordance with law and accordingly, this revision application deserves to be allowed and hence, I pass the following order :

:: ORDER ::

- The Revision Application is allowed.
- The order dated 09/09/2025 passed below Exh.-1 in Criminal

Case No. 2870/2022 by Ld. 4th Additional Chief Judicial Magistrate, Jamnagar, is hereby quashed and set aside.

- The Criminal Case No.2870/2022 is ordered to restore to its original file and the Ld. Magistrate is requested to proceed the matter further in accordance with law.
- No order as to cost.
- Yadi of this order as well as record and proceeding of Criminal Case No.2870/2022 is ordered to be sent back to the concerned Court forthwith.

Signed, declared and pronounced in the open Court on this 2nd day of June, 2026, at Jamnagar.

Date : 02/06/2026
Place : Jamnagar

(**Rasikkumar V. Mandani**)
3rd Additional Sessions Judge
Jamnagar (Code : GJ00715)

///K. Yadav///