

ORDER BELLOW Exh. 1

This Complaint has been filed under section 138 of The Negotiable Instruments Act-1881 and pending for service of process to accused. After filing of this complaint since dt.12-04-2022 on Perusal of the record of this Complaint,inspite of reapedted adjournrdment given to the complainant by this court ,the complainant do not proceeded the complaint or made sincere efforts or the service of process to the accused.

section 256 of the Cr.p.c.- Non-appearance or death of 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 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 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.

According to above stated situation and facts of this case,this court is empowered to proceed in absence of complainant and acquit the accused for nonappearance of complainant for the futher proceeding of the present complaint. Hence following order has to passed.

Order

In this Complaint, complainant do not proceeded the complaint or made sincere efforts or the service of process to the accused since long time, hence accused is acquitted from charges u/s.138 of The Negotiable Instruments Act-1881 for want of prosecution under section 256 of the Cr.p.c.1973.

Order pronounced today on dt.06-05-2026 in the open court.

Date:- 06-05-2026

PLACE:ANJAR

(S.D.TRIPATHI)
2nd ACJM - ANJAR
JUDGE CODE GJ01402