

GJPM040003462024

**Order below Exh. 1**

On perusal of record, it appears that, In this case summons has issued to the accused for the offence under Section 138 of N.I.Act and the same was issued but till today summons of accused is not returned. Looking to the facts of the case it seems that accused is residing at Vadodara. This court has ordered that summons to accused is to be served by the complainant through R.P.Ad and same was given to complainant, but till today complainant has not submitted any documents regarding complying this order. Since then the matter is pending for serving summons to accused. Lastly the complainant has filed adjournment application for address of accused on Dt.13/03/2026. Today neither complainant nor his Ld. Advocate remained present before this Court to proceed the case further. Therefore, it seems to be that, the Complainant has no interest to proceed the case further and the matter is of year 2024. Moreover, today the case is kept for further proceedings by the complainant side but the complainant side has not taken any steps for the same. At this juncture it requires to refer Hon'ble Supreme Court reported Judgment, reported in 2008(2) GLH, page no. 434, wherein in case of S. Rama Krishna v/s. S. Rami Reddy (d) by his Lrs. & Ors., wherein it is observed that the conduct of the complainant for the adjournment for the purpose of immense significance, complainant can not allow a case to remain pending for an indefinite period. Moreover, Considering the provision under section 256(1) of Cr.P.C. is mandate and Magistrate to acquit the accused in case of non appearance or death of complainant. In case on hand the matter is of year 2024, the records shows that the matter is pending for serving summons to accused. Hence, the complaint is required to

be dismissed in want of prosecution and in the interest of justice following order is passed.

**: O R D E R :**

The present complaint is hereby dismissed for want of prosecution under section 256 of Cr.P.C. and the accused is hereby acquitted from present complaint filed under Section 138 of N. I. Act.

Date : 30/05/2026

Place: Halol.

(Jenifar Kantilal Christian)

Addl. Chief. Judicial Magistrate, Halol.

Code GJ 01107

Self