

GJPM040024562023



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 served on mobile after that the matter was kept on Dt.06/05/2024 for serving BW/NBW to accused. After that complainant has filed applications for issuing NBW to accused and the same were allowed and NBW of accused returned with an endorsement that accused is not residing at the address and went some other place for work. This fact was non to complainant through complainant has not make any efforts to find out exact address of accused. The complainant is failed to give new address of accused. Today also complainant has not produced new address of accused. Therefore, it seems to be that, the Complainant has no interest to proceed the case further and the matter is of year 2023. 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 2023, the records shows that the matter is pending for serving Warrant to accused and complainant is failed. 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 : 06/06/2026

Place: Halol.

(Jenifar Kantilal Christian)

Addl. Chief. Judicial Magistrate, Halol.

Code GJ 01107

Self