

Order Below Exh.01

1. Today, the matter was called out. Nobody is present as a complainant before the Court. The Ld. Advocate for the complainant preferred an adjournment application and said that he will call the complainant on next date of hearing. He has not submitted any reason for allowing the absence of the complainant. From the record of the case, it appears that the present case was registered as Criminal Case after converting an enquiry into a criminal complaint. After registering the case my predecessor took cognizance under Section 204 of the CRPC on 28th May 2015. Since then, the matter is pending for the purpose of evidence for framing of charge against the accused. But, since 28th of May 2015, the complainant has not taken care to produce or lead any evidence in support of his case to proceed further.
2. The order passed by my Ld. Predecessor below Exh. 01 on 28th May 2015 opines that the Court has taken cognizance against the accused for offences falling under Sections 464, 470, and 471 of the I.P.C. Since that point of time, the complainant did not take care to proceed further. So, the accused through his Ld. Advocate preferred an application below Exh. 72 to close the right of the complainant to lead the evidence for the purpose of framing of charge. The said application was rejected by my predecessor on 24th May 2023, after noting that the parties are under a possibility of settlement so there is no need to proceed further below that application. Even after that, the complainant has not taken care to proceed with the matter in an active manner. The complainant has repeatedly presented adjournment applications under excuses of similar type. From the facts of the case, it appears that the offences alleged in the complaint are punishable by imprisonment up to 7 years, against which cognizance can be taken without applying the law of limitation at any point of

time whenever it is disclosed before the Court. So, when the complainant is not interested in proceeding with the matter with due diligence, then the matter is required to be dealt with as per Section 249 of the CRPC which provides that when the proceedings have been instituted upon a complaint, and on the day fixed for the hearing of the case the complainant is absent, the Magistrate may, in his discretion, dismiss the case and the accused shall be discharged. Moreover, Section 245 of the CRPC provides that after recording of evidence of the prosecution, if the Court thinks that there is no reason to proceed with the matter, it may pass an order to discharge the accused and close the proceedings. Especially, Section 245(2) provides that:

“Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons recorded by such Magistrate, he considers the charge to be groundless.”

From the facts of the case it is specifically clear that the complainant is not able to bring on record anything which might have satisfied to this Court that there is substance in the allegations of the complainant. The complainant has miserably failed in bringing on record substantial facts related to the accusation in the complaint. Even after being provided sufficient opportunity since 28th May 2015, after the expiry of amount of time, he has not taken care to lead any evidence which might have supported the accusation made in the complaint.

3. So, I am of the humble opinion that there is no reason to keep the matter pending only for the sake of the presence of the complainant, as sought in the adjournment applications by the Ld. Advocate for the complainant. Hence, after considering the foregoing situation, it deems fit to dispose of the case.

Specially when the matter is arising out of a private dispute related with the property, I pass the order as under:

O R D E R

1. The Matter was hereby disposed off for want of prosecution.
2. The accused stand discharged from all the charges labeled in the complaint.

Signed and pronounced in open Court today on 27th, July, 2026.

Date: 27.07.2026

Place: Dhoraji.

V.K.Bansal

Code No. GJ 01233

Additional Chief Judicial Magistrate
Dhoraji, Dist. Rajkot