

ORDER BELOW EXHIBIT 1 IN CC No. 1144/2024

1. The present complaint has been filed under Section 138 of the Negotiable Instruments Act, 1881.
2. The record reveals that the complainant's examination-in-chief has already been recorded and thereafter the matter has been fixed for cross-examination of the complainant by the learned advocate for the accused since 16/11/2024.
3. However, despite repeated adjournments and sufficient opportunities granted by this Court, the complainant has remained absent on several occasions without assigning any satisfactory reason.
4. The *Rozkaam* reveal that ample opportunities have been granted to the complainant to remain present for cross-examination, but the complainant has failed to prosecute the complaint with due diligence. The conduct of the complainant clearly indicates lack of interest in pursuing the present proceedings. Because of the complainant's absence, the accused has been deprived of the valuable statutory right of cross-examination, resulting in unnecessary prolongation of the trial.
5. The proceedings under Section 138 of the Negotiable Instruments Act are intended to be summary in nature and require expeditious disposal. The complainant, having invoked the jurisdiction of this Court, is expected to diligently prosecute the complaint. Persistent absence without sufficient cause amounts to non-prosecution of the complaint.
6. In these circumstances, it seems that the complainant does not have any interest in the matter and also the presence of the accused cannot be secured in nearby future, thus I dismiss this matter for default and pass following order.

ORDER

The present matter is hereby dismissed for want of prosecution and hereby stands disposed off accordingly.

20/07/2026

Idar

(Arun Soni)

Additional Chief Judicial Magistrate

Judge Code: GJ01422