

Heard learned counsel for complainant and perused the entire case papers.

2. As per the order of Hon'ble Prl District and Sessions Judge, UK, Karwar in order dated No.81/2023 dated 28.06.2023, the present case is transferred to this Senior Civil Judge and JMFC Court Kumta from Prl Civil Judge, and JMFC Court, Kumta.

3. As per the entire case papers, complainant filed this case against the accused for the offences punishable under Section 138 of Negotiable Instrument Act in CC No.2221/2021 has been registered which has been later renumbered as CC No.182/2023 before this court.

4. After recording sworn statement of the complainant Criminal case registered against the accused and court has issued summons to the accused, summons served duly on the accused, but accused not appeared before the court, hence this court issued NBW against the accused. NBW is issued to accused regularly and the same is not executed. The presence of accused could not be secured before the court in spite of repeated issue of NBW. Since NBW issued against accused is not duly executed, presence of accused not secured. Material on record reveal that there are less possibilites of securing the presence of accused in the near future.

Hence in compliance of section 82 and 83 of Cr.P.C this court proceeded to issue proclamation and attachment warrant as provided under Section 82 and 83 of Code of Criminal Procedure. The proclamation under Section 82 has been duly published on 28.02.2023 and the appearance date was fixed on 31.03.2023. Attachment under Section 83 of Cr.P.C has been duly executed and report dated 10.02.2023 of the Chief Officer, TMC, Kumta reported that the accused does not possess either movable or immovable properties Hence this court proceeded to record the evidence under Section 299 of Cr.P.C of the complainant and who has published the proclamation. Complainant examined got examined as PW1 and got marked the documents as per Ex.P1 to P7. ASI of Kumta who published proclamation examined as PW.2 and document marked as Ex.P.8, Ex.P.8(a) to Ex.P8(c), Ex.P.9 and Ex.P.9(a).

5. From the materials available on record it appears to this court that, the accused is absconding and there is no possibility of the accused being secured in the near future. Hence, submit the entire records before Hon'ble Principal District and Sessions Judge, Karwar District, Uttara Kannada with a requisition according permission to transfer this case to the Register of Long Pending Cases.

6. Reissue NBW to the accused and await orders from Hon'ble Principal District and Sessions Judge, Karwar

District, Uttar Kannada. Call on  
07.12.2024.

7. Office to maintain dummy order  
sheet.

**(B.S.Rayannawar)**  
Senior Civil Judge and Prl. JMFC,  
Kumta.