

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

As per the notification dated 17<sup>st</sup> September 2018 of the Hon'ble Prl.Senior Civil Judge and CJM Karwar, this case is transferred from the Court of Prl. Civil Judge and JMFC Court, Kumta to this court.

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.875/2014 has been registered, which has been later renumbered as CC No.42/2018 before this court.

After recording sworn statement of the complainant Criminal case registered against the accused and court has issued summons to the accused who appeared before the court through his counsel and got enlarged on bail, but later on accused not appeared before the court, hence NBW issued against the accused, but presence of accused not secured. Material on record reveal that there are less possibilities 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 23.01.2025 and the appearance date was fixed on 19.02.2026. Attachment under Section 83 of Cr.P.C has been duly executed and copy of letter dated 07-12-2023 issued by ARTO Honnavar, that accused not possess any immovable property, received report dated 17.05.2023 of Town Municipal Bhatkal reported that the accused does not possess any properties standing in his name, report dated 13-06-2023 of Tashildar Bhatkal reported that the accused does not possess any immovable properties standing in his name. The SBI Bhatkal Branch, Axis Bank Bhatkal Branch, Canara Bank Bhatkal branch have submitted that they have search the name of accused in system, but they are unable to find any details of the said person i.e. accused. Letter dated 07-12-2021 issued by RTO office, Karwar that accused not possess any movable property in his name. 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 Ex.P7. ASI of Gokarna police station who published proclamation examined as PW.2 and document marked as Ex.P.8, Ex.P.8(a), Ex.P9, Ex.P9(a) to Ex.P9(c).

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, office to submit the entire records before Hon'ble Principal District and Sessions Judge, Karwar District, Uttar Kannada with a requisition according permission to transfer this case to the Register of Long Pending Cases.

Reissue NBW to the accused and await orders from Hon'ble Principal District and Sessions Judge, Karwar District, Uttar Kannada. Call on 01-08-2026.

Office to maintain dummy order sheet.

Senior Civil Judge and JMFC,  
Kumta.