

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

As per the notification dated 29th September 2018 of the Hon'ble Pri.Senior Civil Judge and CJM Karwar, this case is transferred from the Court of Addl. 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.618/2017 has been registered, which has been later renumbered as CC No.524/2018 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, when case is posted for cross of PW1 accused remained absent, not

appeared before the court, hence this court issued NBW against the accused, but 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 28.04.2025 and the appearance date was fixed on 12.05.2025. Attachment under Section 83 of Cr.P.C has been duly executed and copy of letter dated by 12-09-2025 issued by ARTO Sirsi reported that accused not possess any movable property in his name and received report from Tahashildar, Yellapur that accused in joint possession of house property PID No. 30-110-14D and in the column of owner the name of Forest Department is mentioned. Hence its shows that accused not possess immovable 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.P14. ASI of Kumta police station who published proclamation examined as PW.2 and document marked as Ex.P.15, Ex.P.15(a) to Ex.P15(c), Ex.P16, Ex.P16(a).

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.