

Matter is taken on today's board. Accused is present. Sri KGH Advocate files vakalath on behalf of accused. Complainant is absent. No representation made on behalf of complainant.

L/c for the accused present and files memo with certified copy of orders passed Honble 1st Addl District and Sessions Court, Karwar, sitting at Sirsi in Cri A No 5116/2025 dated 14-11-2025 wherein the Honble 1st Addl District and Sessions Court, Karwar, sitting at Sirsi has allowed the said appeal subject to condition.

Heard and perused. The complainant has filed this complainant against the accused for the offence punishable U/sec 138 of NI Act.. After taking the evidence and after the hearing of both the side on merits, this court has convicted the accused for the offence punishable U/sec 138 of NI Act.

Being aggrieved by the same, the accused filed a Crl appeal before the Honble 1st Addl District and Sessions Court, Karwar, sitting at Sirsi in Cri A No 5116/2025 dated 14-11-2025 and the Hon'ble 1st Addl District and Sessions court, Karwar, Sitting at Sirsi has allowed the said appeal subject to following

Conditions:

- 1) The appeal in Criminal Appeal No 5116/2025 is hereby allowed.
- 2) The impugned judgment of conviction is set aside and the matter is remanded back to the Trial Court for fresh disposal.

3) Both the parties are directed to appear before the Trial Court on 02-12-2025 without any notice from the Trial Court.

4) If any of the parties remains absence before the court on 02-12-2025, the Trial court is directed to proceed with the case as per law either for dismissal of the complaint or for the judgment as the case may be.

5) If the parties appear before the Court on the date so fixed, the appellant shall cross examine the PW-1 on the very same day or on the subsequent date fixed by the trial court without seeking any adjournment and shall finish off the cross-examination on the date, on which the appellant is required to cross-examine the PW-1.

6) The appellant/accused shall lead his evidence on the date fixed by the Trial Court without seeking any adjournment on any pretext.

7) If the appellant/accused does not cross-examine PW-1 or lead the evidence as directed herein-above, the appellant shall have no further opportunity to cross-examine PW-1 or to lead evidence on his side.

8) Send the Trial Court records to the concerned court along with copy of this judgment.

In view of the directions of Hon'ble 1st Addl District and Sessions court, Karwar, Sitting at Sirsi in Cri A No 5116/2025 dated 14-11-2025 the matter is reopened.

Sd/-

(Umesha M.P)

Civil Judge & JMFC

Siddapur

Again case called out. Accused present. L/c for the accused present. Complainant absent. No representation made on behalf of complainant.

Again case called out at 12-45 P.M. Accused present. L/c for the accused present. Complainant absent. No representation made on behalf of complainant.

Again case called out at 02-00 P.M. Accused present. L/c for the accused present. Complainant absent. No representation made on behalf of complainant.

Again case called out at 03-00 P.M. Accused present. L/c for the accused present. Complainant absent. No representation made on behalf of complainant.

Again case called out at 4-30 P.M. Accused present. L/c for the accused present. Complainant absent. No representation made on behalf of complainant.

Again case called out at 5-30 P.M. Accused present. L/c for the accused present. Complainant absent. No representation made on behalf of complainant.

The complainant and his counsel absent. No representation made on behalf of complainant. The complainant has not complied the orders of the Hon'ble 1st Addl District and Sessions court, Karwar, Sitting at Sirsi in Cri A No 5116/2025 dated 14-11-2025.

The Hon'ble 1st Addl District and Sessions court, Karwar, Sitting at Sirsi has directed both the parties to appear before the Trial Court/this court on 02-12-2025 without any notice from the Trial Court.

The Hon'ble 1st Addl District and Sessions court, Karwar, Sitting at Sirsi has directed further that, If any of the parties remains absence before the court on 02-12-2025, the Trial court is directed to proceed with the case as per law either for dismissal of the complaint or for the judgment as the case may be.

The complainant and his counsel absent. No representation made on behalf of complainant. The

complainant has not complied the orders of the Hon'ble 1st Addl District and Sessions court, Karwar, Sitting at Sirsi in Cri A No 5116/2025 dated 14-11-2025.

This is a private complaint filed by the complainant U/Sec. 200 of Cr.P.C., against the accused for the offence punishable under sections 138 of NI Act in the year 2021. The complainant and his counsel absent. No representation made on behalf of complainant. The complainant has not complied the orders of the Hon'ble 1st Addl District and Sessions court, Karwar, Sitting at Sirsi in Cri A No 5116/2025 dated 14-11-2025.

It is the duty of the complainant to appear before this court as per the directions of the Hon'ble 1st Addl District and Sessions court, Karwar, Sitting at Sirsi in Cri A No 5116/2025 dated 14-11-2025. But the complainant has failed to appear before this court as per the directions of the Hon'ble 1st Addl District and Sessions court, Karwar, Sitting at Sirsi in Cri A No 5116/2025 dated 14-11-2025.

The absence of the complainant itself shows the he is not interested to proceed with the case. This complaint has been filed long back on 15-10-2020. No grounds to further adjourn the case. Hence case of the complainant is hereby dismissed as not complied the orders/directions of the Hon'ble 1st Addl District and Sessions court, Karwar, Sitting at Sirsi in Cri A No 5116/2025 dated 14-11-2025.

Sd/-

(Umesha M.P)

Civil Judge & JMFC

Siddapur