

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE- II
(MUNSIFF), PAYYANNUR**

Present: Smt. Greeshma.A.S, Judl. Ist Class Magistrate-II
(Munsiff), Payyannur

Dated this, the 02nd day of May, 2026

S.T.C. No.205/2022

Complainant : Hemambika, aged 23 years, D/o.Ravi.P, Residing
at Paithalayan House, Korom amosm desom of
Payyannur Taluk, P.O.Korom-670307.
(Within the limits of Payyannur Police Station)
Adv. C.Narayanan Nair and Nived.K.V

Vs.

Accused : Mayamol Manian, aged 23 years, D/o.Manian and
Savithri, residing at Mallissery Vathil Mada,
Payyavoor, Kannur District, P.O.Payyavoor-670
633.
(within the limits of Payyavoor Police Station)

Adv.s.Joju.K and P.Anil Kumar

Offence : Punishable U/s.138 of N.I. Act.

JUDGMENT

1. This is a complaint filed under section 138 of the Negotiable Instruments Act, 1881.

2. The case of the complainant is that the accused issued a cheque for ₹75,000/- (Rupees Seventy five thousand only) in discharge of the debt owed to her and that on presentation of the same in bank, such cheque was dishonoured for the reason of "Account closed" and that on notice, no money was paid.

3. Originally the case was taken on file as STC 156/2022 by Judicial First Magistrate Court- I, Payyanur. The accused, in response to the summons, appeared through the counsel appointed by her and copies of all relevant records were furnished to him. She was thereafter released on bail. The accused pleaded not guilty

when the particulars of the offence were read over and explained to her. Hence the trial commenced. Later, as per the order of Hon'ble Chief Judicial Magistrate court, Thalassery the above case was made over to this court for trial and disposal. This court has taken this case on file as STC 205/2022.

4. The case was accordingly posted for complainant evidence on 30.09.2022 to 14.12.2022. On 14.12.2022 the complainant was absent and the case was posted for complainant's evidence to 27.05.2023. Thereafter, the case was posted for complainant evidence to 25.07.2023, 06.10.2023, 08.12.2023, 25.01.2024, 23.03.2024, 29.05.2024, 29.07.2024, 25.10.2024, 21.03.2025, 29.07.2025, 10.09.2025, 23.12.2025 the above mentioned dates the complainant remained absent. On 23.12.2025 complainant was absent and the case was posted to complainant evidence to 23.03.2026. On 16.01.2026 suo moto advanced as per the direction of Hon'ble Supreme Court, Vide communication dated 26.11.2025. "mediation for the nation 2.0". On 16.01.2026 the case posted to appearance of parties to 23.01.2026. On 23.01.2026 complainant absent and case was posted to appearance of parties to 13.02.2026. On 13.02.2026 complainant absent and it was specifically mentioned as last chance for complainant evidence or for proceeding under Section 256 of Cr.P.C. and again the case was posted for complainant evidence to 13.03.2026. On 13.03.2026 complainant was absent and notice was issued to complainant as complainant not turned up as reported by the learned counsel for the complainant and the case was posted for complainant evidence and posted to 02.05.2026. On 02.05.2026 complainant was absent, notice returned stating 'addressee left'. The notice was sent to Korom P.O, on 18.03.2026, it was written in the registered post with acknowledgment card that on enquiry referred to Chalakkod. From there it was returned to this court stating addressee left. More than sufficient opportunity was given to the complainant for adducing evidence but he remained absent without any sufficient reason.

5. Today (02.05.2026) the complainant did not appear before the court and the learned counsel for the accused reported no instruction. The case is originally of the year 2022. The complainant is continuously absent for the last several postings. The complainant submit no reasonable ground for not appearing for complainant evidence. Hence, in the continues absence of complainant I find that no necessity to further adjourn the case. There are grounds to hold that the complainant is willfully remaining absent and abstaining from adducing evidence. If the case is frequently adjourned due to the absence of the complainant, it will also cause prejudice to the accused. Hence, I am of the view that this is a fit case to invoke Section 256 of Cr.P.C. Hence the complaint is dismissed and accused is acquitted under Section 256 of Cr.P.C.

In the result,

The accused is acquitted under section 256 (1) of Cr.P.C.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, this the 2nd day of May 2026).

Sd/-

Judl. First Class Magistrate-II (Munsiff)