

ORDER BELOW EXH.28 IN S.C.C. NO.7891/2023
Yogiraj Cattle Feeds, Supa Vs. Gulab Ankush Kalamkar

The present matter is filed by the complainant U/s 138 of The Negotiable Instruments Act, 1881.

2. The present application was moved by the complainant with a prayer that the evidence be recorded in absence of the accused. The say of the accused was called but accused failed to file say. Hence, the application is decided without say of the accused.

3. Heard Ld. Advocate of the complainant. Perused the record. It appears that the matter is instituted in the year 2023. It also show that on dt.09/09/2024 the plea of the accused was recorded vide Exh.18. Thereafter, the accused was absent. Thereafter, on dt.13/12/2024 vide Exh.26 and on 17/06/2025 vide Exh.27, the complainant moved the application for issuance of N.B.W. However, in spite of issuance of N.B.W., the accused remained to be absent.

4. During the course of argument, Ld. Advocate of the complainant relied upon the judgment of the Hon'ble High Court namely *Navneet Singh Gogia Vs. State of Maharashtra & Ors, Criminal Revision No.70-71 of 2023*. I have gone through the said judgment. Ratio laid down under it is squarely applicable to the present matter. Therefore, considering the steps taken by the complainant to secure presence of the accused, the matter is herein after proceeded in absence of the accused as per rule.

Date : 06.08.2025.

(S.R. Shinde)
Addl. Chief Judicial Magistrate,
(Court No.20) Ahmednagar