

MHAH210000072024

**Vaibhav Gulab Gaikwad****Vs.****Ganesh Balu Gore****ORDER BELOW EXH.01 IN S.C.C. NO. 03/2024**

The Hon'ble District Court Ahmednagar vide its letter bearing Outward No. D.L.S.A./795/2026 dated 18/02/2026 has informed to undertake special drives on the 05 working days prior to the National Lok Adalat i.e. from 09/03/2026 to 13/03/2026, to dispose of cases under Section 279 and 281 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (Section 256 and 258 of the Code of Criminal Procedure, 1973). Therefore today the present case is taken up in the Special Drive.

02] Perused the complaint and other material on record. On perusal, it appears that present complaint has been filed under Section 138 of the Negotiable Instruments Act, 1881. Record shows that since long, the present matter had been pending for adducing evidence under Section 202 of the Code of Criminal Procedure, 1973. However, the complainant remained absent and failed to do so. Therefore, on 17/11/2025, this Court has passed an order below Exh.01 and kept the present matter for dismissal order.

03] Even after this caution, today the complainant

remained absent. None appears for him. Therefore, I am of the view that the complainant has lost his interest to proceed further with the matter. Consequently, I do not find any reason to drag present matter unreasonably and to keep it pending idle. Thus, in aforesaid circumstances, it is fit case, where resort can be taken of the provisions enshrined under Section 279 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (Section 256 of the Code of Criminal Procedure, 1973). Hence, I pass the following order:-

:- ORDER :-

- 01] The complaint is hereby dismissed for want of prosecution and due to absence of complainant under Section 279 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (Section 256 of the Code of Criminal Procedure, 1973).
- 02] The accused is hereby acquitted of the offence punishable under Section 138 of the Negotiable Instrument Act, 1881, as per the Section 279 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (Section 256 of the Code of Criminal Procedure, 1973).
- 03] The proceeding is hereby closed.

Date:- 09/03/2026.

Place:- Jamkhed.

Sd/-

(Anushri B. Phand)

Judicial Magistrate First Class,
(Court No.2), Jamkhed.