

MHKO130002922018



S.C.C./321/2018

**Gahininath Nagari Sahkari Patsanstha Marya. Manager Maruti Ganpati Shende
Vs. Prakash Pandurang Kamble.**

ORDER BELOW EXH.1

1] This private complaint is presented in the Court on 11/09/2018 alleging that accused have committed the offences punishable under section 138 of the Negotiable Instruments Act, 1818.

2] I have perused the record. On perusal of the record, it appears that on 11/09/2018 my learned predecessor has passed an order below Exh.1 regarding issuance of process against accused.

3] Previous roznama shows that, since 21/11/2018 neither complainant nor the learned advocate present & proceeded the matter further. On the last various dates the complainant and his advocate were absent. It appears that, the complainant is not interested about conducting the matter. Complainant's presence is indispensable in order to proceed further with the case.

4] However, despite of ample opportunities given to complainant by the Court, the complainant failed to take further steps in the present matter. Hence, the matter is fixed for dismissal order on 25/06/2025 vide order below Exh.1. Today, when called out repeatedly complainant and his advocate are remained absent. The attitude of the complainant clearly reveals that, he is not interested in further prosecution of the present case.

5] Thus, it is evident from this factual position on record that complainant has failed to proceed with the complaint in the span of last 07

years. Thereafter, complainant is consistently absent and no steps have been taken to proceed with the matter. It is needless to state that being private complaint, it is responsibility of complainant to attend the Court punctually and assist the Court to proceed with the matter. However, in the present case, it is crystal clear that complainant is negligent and failed to proceed with the complaint. The complaint is pending from last more than 07 years only because of non co-operation and absence of the complainant.

6] However, despite of ample opportunities given to complainant by the Court, the complainant is failed to take further steps in the present matter. Today, when called out repeatedly complainant and his advocate are remained absent. The attitude of the complainant clearly reveals that, she is not interested in further prosecution of the present case. In such circumstances, it would lead to unnecessary burden on and wastage of precious time of the Court.

7] Taking into consideration the fact that complainant has failed to proceed with the case from last many dates and aforesaid legal position, I am of the considered view that the complaint deserves to be dismissed for want of prosecution. No purpose will be served by keeping the complaint pending unnecessarily. In the result, I pass the following order.

ORDER

1. The complaint is dismissed for want of prosecution and the accused is acquitted for the offence punishable under section 138 of Negotiable Instruments Act vide section 256 of Criminal Procedure Code, 1973.
2. Accordingly, complaint stands disposed off.

Kagal.

(Smt. Pranita S. Patil)

Date: 10/03/2026

Judicial Magistrate First Class, Kagal.