

MHRG030012642023



Sum. Cri. Case No. 857/2023

(Aadash Nagari Sahakari Pathsanstha
through Santosh Arun Mhatre Vs.
Sangita Naresh Gaikwad)

CNR No. MHRG030012642023

:: ORDER BELOW EXH. 01 ::

1. The case is fixed for dismissal of the complaint as the complainant has failed to appear and file his evidence. Upon perusal of the record, it appears that since 05/05/2024, the matter was fixed for the filing of evidence, but neither the complainant nor his advocate led any evidence. It is noted that on the last date, 23/02/2026, the matter was kept for the dismissal order.

2. Today, the complainant and his advocate also remained absent. No application for adjournment or exemption has been filed on behalf of the complainant. It appears that, despite being given sufficient opportunity to prosecute the complaint, the complainant has failed to appear.

3. Section 256 of the Code of Criminal Procedure provides that if the complainant does not appear on the fixed date of hearing, the magistrate shall acquit the accused unless the Court finds sufficient reason to adjourn the case. In the present case, no sufficient grounds have been pleaded by the complainant to seek an adjournment, nor has any application

:: 2 ::

been filed on his behalf.

4. It appears from the conduct of the complainant that he is not interested in prosecuting the complaint. Therefore, the complaint is liable to be dismissed, and the accused is entitled to be acquitted under Section 256 of the Code of Criminal Procedure. Accordingly, I pass the following order.

:: ORDER ::

1. The complaint is dismissed and the accused is acquitted of vide section 256 of the Code of Criminal Procedure.
2. The bail bond of the accused stand cancelled.

Alibag.

Date : 12/03/2026.

(M. B. Attar)
Chief Judicial Magistrate,
Raigad Alibag