

CNR MHWR030003152002

ORDER BELOW Exh. 193

1. Perused the application and say.
2. Heard.
3. Perused the record. It appears that, matter is under section 138 of the N.I. Act. It is pending since 2002 i.e. almost 23 years. The matter was listed for evidence. Meanwhile since 2019 the accused remained absent. In spite of due efforts on the part of the complainant, matter got prolonged for near about 6 years for securing presence of the accused before this Court. This matter is statutorily time bound and needs to be disposed of within six months. Whereas the period of absence of the accused is of 6 years. Now the accused prayed for cancellation of N.B.W. on the count of unavoidable circumstance he failed to remain present before the this Court for 6 years. No document is annexed and no cogent reason is provide in this application for his absence that too the period of 6 years. It shows casual approach of the accused towards this matter. On the other hand, now the accused undertakes to attend this matter personally or through counsel without fail.
4. Considering age of the accused i.e. of almost 60 years, nature of the matter, to avoid further complications, technicalities and to avoid further delay too, it is justified to cancel this N.B.W. But the delay of 6 years cannot be ignored that too in summary matter. The cheque amount in the present

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case is of 25 Crore which is a very huge stake of public and matter is pending since 23 years and lingered on for 6 to 7 years for the presence of the accused. He has not even submitted single document justifying his absence before this Court. Whereas, he presented plane application without any cogent reason. The money involved in this case is of public at large. In view of it and in view of the financial background of the accused, this Court is of the opinion that, it is justified to impose the cost of Rs. 10,000/- payable to D.L.S.A. with specific direction that, the accused will remain present before this Court either personally or through his counsel and cooperate the trial. Hence, following order -

ORDER

- 1) The application is allowed.
- 2) N.B.W. issued against the accused is hereby cancelled with costs of Rs. 10,000/- payable to D.L.S.A., Wardha.
- 3) The accused is hereby directed to remain present before this Court either personally or through his counsel and cooperate the trial and will furnish the details of his permanent residence, current mobile number and address details of one blood relative.

Wardha.

Date : 28/10/2025

(Smt. M. R. Chavan (Hiwarale))
Judicial Magistrate First Class,
(Court no. 2), Wardha.

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Certified that PDF copy of Order supra is word-to-word identical to the original Order.

(I.K.Khan)
Stenographer Grade-II