

C. C. No. 3767 / SC / 2022.
(Old No.3056/SS/2013 of 7th Court, Dadar)

M/s. Vardhaman Electronic Stores,
V/s.
Mr. Jayesh Gururaj Rele

ORDER BELOW EXH. 1

Complainant and his counsel both are absent when called out since 11.00 a.m. to 04.30 p.m. today repeatedly. This case was transferred from 07th Court, Dadar, Mumbai to this Court. The complainant filed this complaint under section 138 of Negotiable Instruments Act against the accused. After going through the record, the roznamas/record shows that the plea of the accused came to be recorded on 19/03/2015. Thereafter the complainant filed an affidavit of evidence alongwith documents on record on 29/09/2015 and documents came to be exhibited on 26/02/2020. Thereafter complainant and accused both remained absent. The record also shows that the complainant was also absent before the 07th Court. It means that because of negligence of complainant the hearing of complaint is prolonged since long back.

2 After transferring this complaint to this court, this court has sent a notice (Exh.40) to the complainant on his counsel's email address which is mentioned in legal demand notice at Exh.37. As per report at Exh.41 the said notice was sent successfully by email. Therefore, this court has taken steps for appearance of complainant to proceed further. But, the complainant failed to appear before this court and also keep his advocate present. It shows that because of negligence of complainant the hearing of case is prolonged. Because of complaint is very old and pending since 2013, hence, it is not just and proper to keep the case pending forever. This court is established by order of Hon'ble Bombay High Court for speedy trial the cases under section 138 of N. I. Act and dispose off. Therefore, considering all the above facts and

circumstances, this case is fit one to dismiss for default. Hence, I proceed to pass following order -

ORDER

The complaint is hereby dismissed for default and accused is acquitted of the offence punishable under section 138 of Negotiable Instruments Act. Bail bond of the accused, if any stands cancelled.

Sd/-

Dt. 23/12/2022.

**(V. S. Patil)
Extra Metropolitan Magistrate,
Mazgaon (Sewree), Mumbai.**