



Order below exhibit-01.

Mohmad Kasam Gulammustafa Hakimji

Vs.

Kamaldas Bansidas Bavaji (Dudhrajia)

Criminal Case No.: 58469/2019.

Present : None.

1. In this case since institution of the case, presence of the accused could not be secured. This case is pending for served warrant upon the accused. Today complainant not present before the court his Junior advocate present before the court. However still by way of abundant caution, matter be awaited for post lunch session before any adverse order is passed, so as to give the complainant an opportunity to appear.

***Date: 19 / 06 / 2026.
Surat.***

***(Sureshkumar Karshanbhai Solanki)
18th Addl. Chief Judicial Magistrate
Surat.***

Judge Code :- GJ01299.

(K.T.O.)

At 05.00 PM

Present: None.

1. In this case it appears that complainant is not interested in the proceedings of the case. A perusal of the record reveals that the conduct of the complainant qua the proceedings has been lackadaisical. Further the stage of the case is NBW of accused. Further the rojakam of the case is demonstrate that the NBW repeatedly issued upon the accused but the said warrant not return served or unserved, and the complainant failed secure the present of the accused. Further the complainant nor his advocate not present before the court for any submissions. It seems that complainant is not interested in prosecuting the matter.
2. Hon'ble Supreme Court in case of S. Rama Krishna Reddy Vs. S. Rami Reddy reported in AIR 2008 SC 2066. In this judgment Hon'ble Apex Court held that “**Complainant cannot allow a case to remain pending for an indefinite period.**”
3. Hon'ble Gujarat High Court in case of Patel Rajendrakumar Ambalal Vs. State of Gujarat reported as 2018 Supreme (Guj.)358 was pleased to observe thus with regard to pendnecy of cases filed under section-138 of N.I.Act and timely presence of the parties to the case.
“4.5. The pendency of the matters under Section 138 of the NI act and its elongated trials are the serious concerns of the Courts. Therefore, all concerned are expected to cooperate by remaining present without of loss of time.”
4. Complaint is, therefore, dismissed for non prosecution and non appearance of the complainant.

Order signed and pronounced in open Court today.

Date: 19 / 06 / 2026.
Surat.

(Sureshkumar Karshanbhai Solanki)
18th Addl. Chief Judicial Magistrate
Surat.

Judge Code :- GJ01299.