

MHTH040037752015 	SCC No. 419244/2015 The Thane District Central Co- Op. Bank Ltd. - Kashinath B. Dhoble Vs. Ganesh Govind Salunkhe
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ORDER BELOW EX.1
(..... On 24th July, 2026)

Perused the record. This Court has not received any Writ of Appellate Court till today.

02. The present complaint under Section 138 of the Negotiable Instruments Act, 1881 was instituted in the year 2015. After due service of process, summons/warrant were issued on multiple occasion and the matter was then fixed for dismissal order due to non-taking effective steps by the complainant.

03. However, since the case is pending for dismissal order, the complainant has failed to take effective steps. Despite repeated opportunities and adequate time having been granted by this Court, the complainant has neither take effective steps nor shown any diligence to prosecute the case for recording plea of accused by securing his presence.

04. Today also, when the matter is called out, complainant along with his respective advocate appeared and moved application not to dismiss the complaint, which is rejected and

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Addl. C.J.M., Court No.5, Thane

directed to the complainant to take effective steps but, no steps have been taken to proceed with the trial. It is apparent that the complainant is not interested in prosecuting the matter further. The matter is more than 10 years old. The complainant has not take fruitful effective steps to secure presence of accused for recording plea.

05. This Court is of the considered opinion that sufficient indulgence has been shown to the complainant over an unreasonably long period. The case has remained stagnant and cannot be allowed to clog the Court's docket indefinitely. In the absence of prosecution, no purpose would be served by keeping the matter pending any further. Accordingly, I proceed to pass following order:-

ORDER

1. In exercise of the powers under Section 256 of the Code of Criminal Procedure, 1973, the present complaint is hereby dismissed in default for want of prosecution.
2. The accused stands discharged of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.
3. File be consigned to record room.

Date: 24/07/2026

(Sunita Paithankar)
Addl. Chief Judicial Magistrate-5,
Tal. Dist. Thane.

Date: 24/07/2026

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