

Criminal Case No. 9066/2021**Order below Exh. 1**

On perusal of record, it appears that, the present is complain has been filed by complainant under Section 138 of N.I.Act against the accused. The matter is pending for issuance of warrant to the accused. Thereafter, the Ld. Advocate of the Complainant has filed "No Instruction Pursis" in which he stated that the complainant is not interested in the said case and the he is not able to furnish the new address of the accused because of non no-operation from the complainant side. Thereafter, the Complainant is not regularly remain present in the case and not further proceed the case. The matter is of year 2021. At this Juncture, it requires to refer Hon'ble Supreme Court reported Judgment, reported in 2008(2) GLH, page no. 434, wherein in case of S. Rama Krishna v/s. S. Rami Reddy (d) by his Lrs. & Ors., wherein it is observed that the conduct of the complainant for the adjournment for the purpose of immense significance, complainant can not allow a case to remain pending for an indefinite period. Furthermore, considering the provision under section 256(1) of Cr.P.C. is mandate and Magistrate to acquit the accused in case of non appearance or death of complainant. In case on hand the matter is of year 2021, the records shows that the matter is pending for issuance of warrant to the accused since long time and Ld. Advocate for the complainant has filed 'No Instruction Pursis' and stated that there is no co-operation from the complainant side and therefore, it appears that complainant has no interest to further proceed the case. Hence, the complaint is required to be dismissed in want of prosecution and in the interest of justice following order is passed.

- : ORDER :-

The present complaint is hereby dismissed for want of prosecution under section 256 of Cr.P.C. and the accused is hereby acquitted from present complaint filed under Section 138 of N. I. Act.

Signed and pronounced in open court today on dated 8th July, 2025 at Rajkot

Date : 08/07/2025
Place : Rajkot

[Mr. Rajeshkumar Ramanlal Mistry]
7th Addl. Chief Judicial Magistrate,
Rajkot,
GJ01169