

ORDER BELOW EXH.1 IN C.C. NO. 133/SC/2023

Perused record. It is seen from the record that this is a summons case which is pending since 2023 and is fixed for dismissal order. In this case despite not only so many but humongous opportunities to the complainant, he is not ready to appear and proceed with the case. I am satisfied that presence of the complainant is must for progress of the trial. Since long the complainant and his advocate absent. So also no further steps have been taken. Now, I do not think that this matter should be adjourned to any future date in anticipation of some steps by the complainant. Hence, considering long standing pendency of the case, conduct of the complainant and also keeping in mind the object of special drive I am satisfied that this is fit case to invoke powers under section 256 of the code of Criminal Procedure. It goes without saying that net consequence of section 256 is acquittal irrespective of recording plea. Hence, the order -

ORDER

1. The complaint stands dismissed in default.
2. The accused is acquitted of the offence punishable under section 138 of the Negotiable Instrument Act, vide section 256 of the Code of Criminal Procedure.
3. The bail bonds if any of the accused stands cancelled.



(H.S. Puradupadhye)
Judicial Magistrate (First Class),
70th Court, Mazgaon, Mumbai.

Dt. 11.12.2025

