

Order Below exhibit 1

1. Present is a private complaint under The Negotiable Instruments Act, Section 138. Since last few dates, the complainant is not remaining present before this court and the matter is pending for the cross examination of the complainant since 5 dates. Today neither the Id. Advocate nor the complainant has appeared before this court. It appears that the complainant has lost interest in the matter. This court is in receipt of Section 256 CrPC which states as under:

*256. Non- appearance or death of complainant.*

*(1) If the summons has been issued on complaint, and on the day appointed for the appearance of the accused, or any day subsequent thereto to which the hearing may be adjourned, the complainant does not appear, the Magistrate shall, notwithstanding anything hereinbefore contained, acquit the accused, unless for some reason he thinks it proper to adjourn the hearing of the case to some other day: Provided that where the complainant is represented by a pleader or by the officer conducting the prosecution or where the Magistrate is of opinion that the personal*



attendance of the complainant is not necessary, the Magistrate may dispense with his attendance and proceed with the case.

(2) The provisions of sub- section (1) shall, so far as may be, apply also to cases where the non- appearance of the complainant is due to his death.

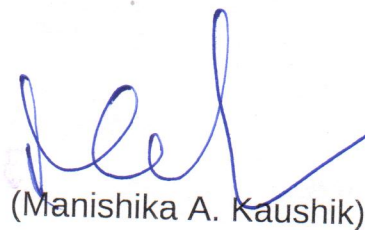
2. As per the above provision the complainant is not coming to the court when the court has issued summons to them as well. Hence, as per Section 256 Code of Criminal Procedure, 1973 following order is passed:

**Final Order:**

Present accused persons in the present criminal complaint are acquitted of charges under The Negotiable Instruments Act, Section 138.

Pronounced and signed today on this 21st day of June in open court of 2024.

21.06.2024



(Manishika A. Kaushik)

2nd Addl. Civil Judge and JMFC

Kalol.

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