

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL NO: 289 OF 2010

Appeal under Section 374(2) of Cr.P.C against the Judgment dated 14.09.2009 in C.C.No.1189 of 2007 on the file of the Court of the II Addl. Judl. First Class Magistrate, Kothagudem.

Between:

**G.Sudhakar, S/o Ramaiah, Agriculture R/o Vemugunta (V), Mulakapalli,
Khammam Dist.**

...APPELLANT/DEFACTO COMPLAINANT

AND

- 1. A.Maraiah, S/o Durgaiah, Occ: Foreman, KTPS R/o Qr.No.BF 492, Ash
Colony, K.T.P.S., New Paloncha, Khammam Dist. ...ACCUSED**
- 2. The State of Andhra Pradesh, Represented by its Public Prosecutor, High
Court of Andhra Pradesh, Hyderabad. ...RESPONDENTS**

Counsel for the Appellant: Sri SUNIL BABU VAJRAM (Not Present)

Counsel for the Respondent No.1 : None Appeared.

Counsel for the Respondent No.2 : PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL APPEAL No.289 OF 2010****J U D G M E N T:**

This Criminal Appeal is filed under Section 374(2) of Code of Criminal Procedure (for short "Cr.P.C.") by the appellant-complainant aggrieved by the acquittal recorded by II Additional Judicial Magistrate of First Class, Kothagudem in C.C.No.1189 of 2007 dated 14.09.2009 for the offence under Section 138 of Negotiable Instruments Act.

2. None appears on behalf of the appellant-complainant. Perused the record.

3. This appeal is filed by the appellant-complainant questioning the acquittal of Accused for the offence under Section 138 of NI Act. Though the appeal was listed earlier, there is no representation. When the matter was listed on 02.11.2022, there is no appearance for the appellant, as such, this Court directed to post the matter to 10.11.2022 under the caption 'for dismissal'.

4. Even when the matter is listed under the caption 'for dismissal', today also, there is no appearance on behalf of the appellant-

complainant. The case is quasi-criminal in nature and unless the appellant prosecutes his case diligently, the cases cannot be kept pending, for the said reason the criminal appeal is liable to be dismissed for non prosecution.

5. Accordingly, the Criminal Appeal is dismissed for non-prosecution.

As a sequel thereto, miscellaneous applications, if any, pending, shall stand closed.

Sd/- B.SATYAVATHI
DEPUTY REGISTRAR

Satyavathi
SECTION OFFICER

//TRUE COPY//

To,

1. The II Additional Judicial Magistrate of First Class, Kothagudem, Bhadrachalam District.
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT).
3. One CC to Sri SUNIL BABU VAJRAM, Advocate [OPUC]
4. Two CD Copies

DL *[Signature]*

HIGH COURT

KS,J

DATED:10/11/2022

ORDER

CRLA.No.289 of 2010



CRIMINAL APPEAL IS DISMISSED FOR NON-PROSECTUION.

⑥ VW
12/1/23