

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Writ Petition No.5521 of 2018

Uttam Ramdas Mhetre ... Petitioner.
Vs.
Dr. Siddappa Mallappa Doddamani
& Ors. ... Respondents.

Mr Tanaji Mhatugade for petitioner.
Mr HJ Dedhia, APP for State.

Coram: R.N.Laddha, J.

Date : 21 September 2023.

P.C.:

Heard.

2. This petition is filed against the judgment and order dated 28.8.2018 passed by the learned Additional Sessions Judge, Ichalkaranji, Kolhapur, in Criminal Revision Application No.53 of 2016, confirming the order of the learned Judicial Magistrate, First Class, Ichalkaranji, in Summary Criminal Case No.995 of 2013, whereby the

learned Magistrate, upon filing of withdrawal pursis by the complainant/petitioner, has acquitted the accused for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

3. It reveals from the records that the complainant filed the pursis (Exh.18) on 18.12.2014 stating that he does not wish to proceed with the case due to unexpected transfer outside the Court. The contents of the pursis reads thus :

“That the complainant donot want to proceed with this case due expected transfer into outside court as per the Judgement of Honble Supreme Court. Hence the complainant be permitted to withdraw the complaint and Court fee be refunded as per rules.”

4. Complainant's intention seems to be solely to withdraw the complaint, without any mention of prosecuting the accused in a Court with jurisdiction. Consequently, the trial Court has no option but to acquit the accused in view of Section 257 of the Cr.P.C.

5. In view of the foregoing, nothing is found in the impugned order to interfere. The petition stands dismissed accordingly.

[R.N.Laddha, J.]