

THE HON'BLE SMT. JUSTICE G. ANUPAMA CHAKRAVARTHY

CRIMINAL APPEAL No.678 of 2018

JUDGMENT :

This criminal appeal is filed seeking to set aside the judgment in C.C No.316 of 2015, dated 31.10.2017 passed by the learned 1st Special Magistrate, Erramanzil, Hyderabad and consequently convict the respondent/accused No.1.

2. On perusal of the record, it is evident that there was no representation for the appellant on 02.11.2022, 08.12.2022 and 29.12.2022, but the learned counsel for the appellant appeared on 09.01.2023 and it was noticed that notice was not served on the respondent. This Court directed the appellant to take out personal notice on respondent No.1 and file proof of service by the next date of listing.

3. In spite of said direction, the appellant has not filed proof of service. On 08.02.2023 also there was no representation for the appellant either in the forenoon or in the afternoon and this Court was constrained to post the matter under the caption "for dismissal" for today. Today also, there is no representation for the appellant either in the forenoon or in the afternoon. Admittedly, the appeal is filed against the acquittal of accused for the offence punishable under section 138 of the Negotiable

Instruments Act. But, without issuing notice to the respondents, there cannot be any adjudication in this case. As the appellant is not evincing any interest for serving notice on respondent No.1 since, 2018, the Criminal Appeal is dismissed for default and for non-prosecution.

Pending miscellaneous applications, if any, shall stand closed.

G. ANUPAMA CHAKRAVARTHY, J.

Date: 15.02.2023

Smk