



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPEAL NO. 188 OF 2014.

M/s. A.K. Gandhi Cars

-VERSUS-

Mrs. sadhana Santosh Trivedi and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

None for the Parties.

CORAM : M.M. NERLIKAR, J.

DATE : DECEMBER 17, 2025.

I have perused the impugned order passed by the 26th Joint Civil Judge, Junior Division and Judicial Magistrate First Class and Special Court of Section 138 of the Negotiable Instruments Act, Nagpur dt.26.03.2013 in S.C.C. No.14896/2009, under Section 256 of the Code of Criminal Procedure, whereby the accused came to be acquitted, as the complaint filed by the appellant came to be dismissed for want of prosecution.

2. The reason mentioned in the order dated 26.03.2013, reveals that the complainant and its

Advocate were absent on last date and today when called repeatedly till 1.00 p.m. The Bank witness is present from 11 a.m. It is further observed that though the Bank witness was present, still the complainant by remaining absent has shown his unwillingness to proceed further. It is further observed that the complainant has lost his interest to proceed further and therefore, the Court was left with no other option but, to dismiss the complaint, and accordingly the complaint was dismissed under Section 256 of the Code of Criminal Procedure.

4. It further appears that the present appellant on the very same day has filed an application seeking recall of the order of dismissal, however, the same came to be rejected, since not maintainable.

5. The Appeal is of the year 2014 and was admitted vide order dated 21.03.2014. The matter was listed from time to time. On 10.12.2025, also the matter was listed, however, there was no appearance from the side of either of the party, and therefore, the same was kept today. Today also none appears for the parties.

6. After going through the impugned order, it appears that the appellant has lost interest, even in the present appeal. Further I do not see any error in the impugned order dated 26.03.2013. Therefore, considering the facts and circumstances of the case, Criminal Appeal is dismissed.

JUDGE