



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

**CRIMINAL APPEAL NO. 272 OF 2011**

The Nagpur Nagrik Sahakari Bank Ltd.

-- VERSUS --

Shri Damodhar S/o Girdharilal Kinchi

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.

Court's or Judge's orders.

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None for the Appellant.

**CORAM : M.M. NERLIKAR, J.**

**DATE : NOVEMBER 27, 2025.**

The present appeal is preferred against the order dated 18/12/2010 passed below Exh.1 by the learned Judicial Magistrate First Class, Nagpur, wherein, the complaint of the appellant was dismissed and the accused is acquitted under Section 256 of the Code of Criminal Procedure, 1973.

2. Before this Court, on the last occasion, i.e., on 20/11/2025, none appeared for the parties. Therefore, the matter was kept today, and it was made clear that *"If none appears for the parties on the next date, the matter would be decided on its own merits."*

3. I have gone through the impugned order and it appears that the complaint is pending for

evidence of the complainant since 2010. Though, the Court below has granted opportunity to the appellant by allowing his application and adjourning the matter subject to costs of Rs.300/-, the said cost was not deposited by the appellant. It further appears from the impugned order that the matter was kept on next date, however, the complainant has not filed his evidence on affidavit, but moved an application for adjournment below Exh.-23. It further appears that neither the counsel nor the appellant were present, and therefore, the Court has observed that the appellant/complainant is not interested in proceeding with the matter. Therefore, the Trial Court was constrained to dismiss the complaint under Section 256 of Cr.PC., thereby acquitted the accused.

4. Even in this proceedings, neither the appellant nor the respondent has turned up. The matter is of 2010, however, the complaint was filed in the year 2009. Even in the grounds of appeal, I do not find any reason to consider the appeal. In Para 14 of the grounds of appeal, it was stated that “*the Trial Court failed to appreciate that appellant got the matter adjourned earlier since 22/07/2010 as the appellant had not got the certified copies from Debit Recovery Tribunal. The original documents relating to the loan transaction between appellant and respondent were filed in O.A. No. 84/2004. The said*

*documents were essential and were to be relied upon by appellant before the Trial Court.”*

5. Whatever documentary evidence the appellant wanted to produce on record, ought to have been produced when the Court had granted time. In spite of the time granted by the Trial Court by imposing cost, the appellant/complainant has not paid the said cost and also not produced the documents on record. This fact itself demonstrates that the complainant is not interested in proceeding with the matter. Merely saying that appellant wanted to produce certain documents on record would not be sufficient, however, if at all, the petitioner wanted to produce documentary evidence on record, they ought to have sought time from the Court by remaining present before the Court and paying cost.

6. In the absence of any cogent and sufficient reason, I do not find any error or perversity in the impugned order dated 18/12/2010 passed below Exh.1, by the learned Judicial Magistrate, First Class, Nagpur. Hence, the **appeal is dismissed.**

[ M.M. NERLIKAR, J ]