NC: 2025:KHC:2260
CRL.A No. 92 of 2015

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE SHIVASHANKAR AMARANNAVAR

CRIMINAL APPEAL No. 92 OF 2015

BETWEEN:

SRI S.M. SRINIVASA MURTHY
S/O B MUNISWAMY
AGED ABOUT 63 YEARS
R/O KEB COLONY
DOOMLIGHT CIRCLE
KOLAR CITY – 563 101.

…APPELLANT

(BY SRI S VISWESWARAIAH, ADVOCATE – ABSENT)

Digitally signed by HEMAVATHY GANGABYRAPPA
Location: HIGH COURT OF KARNATAKA

AND:

SRI P.K SANATH KUMAR
S/O KRISHANA MURTHY
LAKSHMANAGOWDA COMPOUND
OLD EXTENSTION
BEHIND KANAKA MANDIRA
KOLAR CITY – 563 101.

…RESPONDENT

(BY SRI DEEPAK J, ADVOCATE)

THIS CRL.A. IS FILED UNDER SECTION 378(4) Cr.P.C PRAYING TO SET ASIDE THE ORDER DATED 29.10.2014 PASSED BY THE PRL. CIVIL JUDGE & JMFC, KOLAR, IN C.C.No.122/11 - ACQUITTING THE RESPONDENT/ACCUSED FOR THE OFFENCE PUNISHABLE UNDER SECTION 138 OF N.I. ACT AND ETC.,

THIS APPEAL COMING ON FOR HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. Learned counsel for the appellant is absent. There is no representation on the appellant's side. Learned counsel for the appellant was also absent on 17.01.2024 and 13.02.2024. This Court, on 17.01.2024 has passed the following order;

> *"Learned counsel for the appellant is absent.*
>
> *Sri Sagar R. learned counsel representing Sri. Deepak J. learned counsel for the respondent is present.*
>
> *Due to the absence of learned counsel for the appellant, the matter could not be proceeded.*
>
> *Hence, list this matter next week, finally."*

2. Again on 13.02.2024, this Court has passed the following order;

> *"Sri S Visweswaraiah, learned counsel for the appellant, is absent.*
>
> *Sri Vivek N, the counsel representing Sri Deepak, J., the learned counsel for the respondent, is present.*

Due to absence of the learned counsel for the appellant, the matter could not be proceeded with.

It is borne-out from the order sheet that, this Court vide order dated 17.01.2024, in spite of absence of the counsel for appellant, has granted time and as such, the matter is listed today. Even today there is no representation for the appellant. However, in the interest of justice, as a last chance, one more opportunity is given to the counsel for appellant to proceed with the matter.

List this matter next week."

3. Learned counsel for the respondent is present and submits that considering the absence of the learned counsel for the appellant, it appears that the appellant is not interested in prosecuting the appeal.

4. Considering the above aspects, it appears that the appellant is not interested in prosecuting the appeal. Hence, the appeal ***is dismissed for non prosecution***.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

GH
List No.: 1 Sl No.: 48