SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			UKHC010189172026 **SPLA/271/2026** **In** **CRLA/616/2026** Rameshosingh --Appellant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Bilal Ahmad, Advocate for the appellant. 2. Ms. Pushpa Bhatt, Additional Advocate General alongwith Mr. S.C. Dumka, A.G.A. for the State. 3. The present special leave to appeal alongwith criminal appeal has been filed by the applicant challenging the order dated 30.09.2026 passed by learned Judicial Magistrate/Civil Judge (Jr. Div.), Laksar, District Haridwar in Complaint Case No. 795 of 2019, under Section 138 of Negotiable Instruments Act, by which, the complaint filed by the applicant was dismissed and the respondent no. 2 was acquitted from the charge under Section 138 of Negotiable Instruments Act. 4. Brief facts of the case in a nutshell are that the applicant instituted a complaint against respondent no.2, which was registered as Complaint Case No. 795 of 2019 under Section 138 of Negotiable Instruments Act,

			1881. In the said proceedings, the examination-in-chief of the complainant was recorded by way of an affidavit on 07.12.2023. Thereafter, the matter was listed for the cross-examination of the complainant. However, subsequent to 07.12.2023, neither the complainant nor her counsel appeared before the trial court. Consequently, owing to continuous non-appearance, the trial court passed the impugned order dated 30.09.2026, dismissing the complaint and acquitting the accused/respondent No. 2 of the charges under Section 138 of Negotiable Instruments Act, 1881. 5. Learned counsel for the applicant submits that applicant was suffering from serious heart ailments, due to which, she could not appear before the trial court to pursue her case. 6. Heard learned counsel for the parties and perused the record. 7. A perusal of the medical records relied upon by the learned counsel for the applicant reveals that the first available medical document is OPD prescription slip dated 30.06.2025. Apart from this prescription, no comprehensive medical report or certificate has been enclosed which would demonstrate that the applicant was continuously hospitalized or medically unfit to an extent that prevented her or her legal counsel from pursuing the matter before the trial court. 8. This Court, after carefully examining the findings recorded by the learned trial court and considering the material evidence on record, does not find any legal infirmity, perversity, or jurisdictional error in the impugned order. The order of acquittal passed by the trial court due to non-prosecution does

			not warrant any interference by this Court. 9. Accordingly, the present application for leave to appeal is dismissed. In view of the dismissal of the application for leave to appeal, the accompanying Criminal Appeal also stands disposed of. **(Alok Mahra J.)** 27.10.2026 Ujjwal