

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL APPEAL NO. 982 of 2016****With****R/CRIMINAL APPEAL NO. 983 of 2016****With****R/CRIMINAL APPEAL NO. 986 of 2016****With****R/CRIMINAL APPEAL NO. 988 of 2016****With****R/CRIMINAL APPEAL NO. 990 of 2016****With****R/CRIMINAL APPEAL NO. 992 of 2016****With****R/CRIMINAL APPEAL NO. 994 of 2016****With****R/CRIMINAL APPEAL NO. 995 of 2016****With****R/CRIMINAL APPEAL NO. 996 of 2016****With****R/CRIMINAL APPEAL NO. 997 of 2016****With****R/CRIMINAL APPEAL NO. 998 of 2016****With****R/CRIMINAL APPEAL NO. 1000 of 2016****With****R/CRIMINAL APPEAL NO. 1002 of 2016****With****R/CRIMINAL APPEAL NO. 1005 of 2016****With****R/CRIMINAL APPEAL NO. 1006 of 2016****FOR APPROVAL AND SIGNATURE:****HONOURABLE MS JUSTICE SONIA GOKANI**

=====

1	Whether Reporters of Local Papers may be allowed to see the judgment ?	
2	To be referred to the Reporter or not ?	
3	Whether their Lordships wish to see the fair copy of the judgment ?	
4	Whether this case involves a substantial question of law as to the interpretation of the Constitution of India or any order made thereunder ?	

=====

MEHTA INTEGRATED FINANCE LTD. THRO' HARSHAD KALIDAS
PARMAR
Versus
STATE OF GUJARAT

=====

Appearance:

ANUJ H DAVE(8333) for the PETITIONER(s) No. 1

KSHITIJ M AMIN for the PETITIONER(s) No. 1

PUBLIC PROSECUTOR for the RESPONDENT(s) No. 1

RULE UNSERVED(68) for the RESPONDENT(s) No. 2

=====

CORAM: HONOURABLE MS JUSTICE SONIA GOKANI

Date : 18/12/2017

ORAL COMMON JUDGMENT

1.Out of this group of appeals, two main appeals came to be admitted by this Court (*Coram : R.P. Dholaria, J.*) vide order dated July 19, 2016 and while admitting the appeals, this Court had issued bailable warrant in the sum of Rs.10,000/- against each respondent-accused.

2.The appeals were directed against the judgment and order dated September 15, 2015 rendered by the learned Additional Chief Metropolitan Magistrate, N.I. Court No.28, Ahmedabad, in different Criminal Cases, whereby the learned Magistrate has dismissed such Criminal Cases for want of prosecution under section 256 of the

Code of Criminal Procedure, 1973.

3. Before the trial Court also, the respondents-original accused Nos.1 to 3 were served the summons/ warrant by publishing a notice in the newspaper. The case was pending before the Court since the year 1999. The complainant had chosen to remain absent. A notice also came to be issued by the trial Court to the complainant. On due service, the complainant remained present on July 06, 2015 and sought for time to get the address of the respondents-accused. Thereafter, on August 13, 2015, the matter was fixed as per the say of the complainant, however, none remained present. Thus, on the ground that the matter is pending since the year 1999 and the appellant-original complainant had remained absent on consistent and regular basis, that the trial Court had deemed it fit to dismiss the same for want of prosecution.

4. The notice of admission issued by this Court has remained unserved to the respondents-accused for want of proper address. Fresh notice of

admission could not be issued unless the fresh address is provided.

5. Today, when the matter is called out, none is present. No details have been furnished qua the fresh address of the respondents-accused on record.

6. The appellant seems to be dodging the Court since the year 1999 and he has been dragged before trial Court and, therefore, exercising powers given to the Presiding Officer under the Code of Criminal Procedure, the trial Court has chosen to dismiss the complaint under section 256 of the Code of Criminal Procedure. This Court also considering the fact that the complaint is under section 138 of the Negotiable Instruments Act, has admitted it, but the very conduct is being repeated by the appellant before this Court also since for the appeal which is admitted in the year 2015, the fresh address of the respondent has not come up on record till date. Hence, the present group of appeals deserves to be dismissed.

7. For the foregoing reasons, the present group of appeals fails and the same is, accordingly, dismissed for want of prosecution.

(MS SONIA GOKANI, J)

Aakar