NC: 2024:KHC:24013 CRL.A No. 759 of 2014



IN THE HIGH COURT OF KARNATAKA AT BENGALURU DATED THIS THE 28TH DAY OF JUNE, 2024

BEFORE

THE HON'BLE MR JUSTICE SHIVASHANKAR AMARANNAVAR CRIMINAL APPEAL No. 759 OF 2014

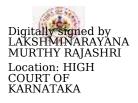
BETWEEN:

SHRI D. SUDHAKAR GUPTA S/O D VENKATA NANJAIAH AGED ABOUT 49 YEARS R/AT No.22, 1ST MAIN IV CROSS LIC COLONY, JAYANAGAR 3RD BLOCK, JAYANAGAR, BANGALORE - 560 011.

...APPELLANT

(BY SRI V B SHIVA KUMAR, ADVOCATE - ABSENT)

AND:



SHRI KANNAIAH
S/O LATE P. AYYASWAMY
AGED ABOUT 56 YEARS
R/AT No.1, 1ST FLOOR
C/O SRINIVAS BANK
(BYRAWESHWARA FLOOR MILL)
SANNAPPANA HALLI
BETTADALASUR POST, JALA HOBLI
BANGALORE NORTH TALUK
BANGALORE - 562 157.

...RESPONDENT

(BY SRI S KASINAGALINGAM, ADVOCATE - ABSENT)

THIS CRL.A. IS FILED U/S. 378(4) CR.P.C PRAYING TO SET ASIDE THE ORDER DATED:29.5.14 PASSED BY THE XVI ADDITIONAL C.M.M., BANGALORE CITY, IN C.C.No.8151/11 -



ACQUITTING THE RESPONDENT/ACCUSED FOR THE OFFENCE P/U/S 138 OF N.I. ACT AND ETD.,

THIS APPEAL COMING ON FOR ARGUMENTS THIS DAY, THE COURT DELIVERED THE FOLLOWING:

JUDGMENT

Learned counsel for the appellant is absent.

2. Learned counsel for the appellant was also absent on 24.11.2023, 06.12.2023, 20.12.2023, 25.01.2024 and 16.02.2024. This Court on 16.02.2024 has passed the following order

"Sri V B Shiva Kumar, learned counsel for the appellant, is absent.

Sri Kasinagalingam S, 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 24.11.2023, 06.12.2023, 20.12.2023 and 25.01.2024, 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, subject to payment of cost

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of Rs.500/- payable to the Legal Services Authority of this Court on or before next date of hearing, failing which further orders will follow.

List the matter after two weeks, finally."

Inspite of granting several adjournments and adjourning matter subject to payment of cost of Rs.500/-, learned counsel for the appellant neither paid the cost nor appeared before the Court to argue the matter. It appears that appellant is not interested in prosecuting this matter.

3. Hence, the appeal is dismissed for **non- prosecution.**

Sd/-JUDGE

DSP

List No.: 1 SI No.: 56