



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 NANJIAH
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 -

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA



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*



*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 Sl No.: 56