



SCC No. 1136/2023  
Vijay Santosh Vs. Anil  
Bharat Wagh  
MHAK060027792023

**ORDER**  
**(Below Exh.32)**  
**(Passed on 20<sup>th</sup> May, 2026)**

This is an application to set aside no cross order passed below Exh.22 dated 10.03.2026

2. It is submitted on behalf of accused that for want of documents the accused could not avail the opportunity of cross-examination nor he could remain present. Consequently, subject No Cross Order is passed. Hence, in the interest of justice the No Cross Order kindly be set aside.

3. Per contra, despite of opportunity, no Say is filed on behalf of the complainant. The complainant is also absent. Hence, I proceed without Say.

4. Heard Ld. Adv. N. C. Wagh for the accused. Perused the application and documents on record. Considered the submissions.

5. This is complaint u/s. 138 of N. I. Act filed on 12.10.2023. On 20.06.2025, the complainant rendered his evidence affidavit and further examination-in-chief on

10.03.2026 but the accused being absent the trial came to be ordered to proceed without cross-examination by the accused. According to accused he was not in possession of the documents (Exh.30) filed on today. However, the documents i.e. bank statements appears to have generated on 25.04.2026. Therefore, the reason in support of the present application appears to be not reliable. However, in the interest of justice and to decide the dispute on merit, it is necessary to give opportunity to the accused to bring his defence on record through cross-examination. Rather it will help the Court to decide the dispute on merit. However, the conduct of the accused warrants imposition of costs. Hence, I pass the following order ;

**ORDER**

1. The application (Exh.32) is allowed subject to cost of Rs. 1000/- (*in words – One Thousand Only*) payable to the complainant.
2. The no cross order dated 10.03.2026 stands set aside.
3. The accused shall conduct the cross-examination at the earliest else present order will be recalled.

**Sd/-**

Date : 20.05.2026

(A.A. Mali)

Place : Akot.

Judicial Magistrate (First Class),  
(Court No. 2) Akot, Tq. Akot,  
Dist. Akola.