

**ORDER BELOW EXH. 55**

1. Complainant has filed present application for permission to recall complainant for examination in chief on the ground that, for proving original documents filed with evidence affidavit. Accused strongly opposed the application on the ground that, examination in chief of the complainant is completed on 04.01.2017. By order dated 06.04.2017 no cross order is passed against the accused. No cross order is set aside on the application of the accused on 13.06.2019. In that order the Court directed to proceed with the matter from the stage which was on 06.04.2017. On 06.04.2017 matter was posted for cross examination. Accused is ready to cross examine the complainant. Therefore, application should be rejected with cost.

2. Admittedly cross examination of the accused is not commenced till today. By order dated 31.07.2019 below Exh. 54 documents filed with evidence affidavit are exhibited for identification purpose only. Contents of documents are not proved. For a just decision of the case opportunity should be granted to the complainant for proving documents. Accused has opportunity to cross examine the complainant. Secondly, the complainant may prove documents through other witnesses. No prejudice is likely to be caused to the accused if the application is allowed. Therefore, in order to curtail delay in just decision of the case application deserves to be allowed. Inconvenience caused to the accused can be compensated in cost.

## **ORDER**

1. The application is allowed on cost of Rs. 500/- payable to the accused.
2. Matter is old therefore parties are directed to conduct matter expeditiously

Date: 16.10.2019

**S. P. Pandav**  
**20<sup>th</sup> Judicial Magistrate F. C.**  
**Aurangabad.**

## **CERTIFICATE**

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of the Stenographer : Shubham P. Muley.

Court : Court No. 20, Aurangabad.

Date : 16-10-2019

Order signed by the

presiding officer on : 16-10-2019

Order uploaded on : 18.10.2019