

MHAU030101462021 	SCC No. 5874/2021 Sayyad Majid Sayyad Isak Vs Shabana Sayyad Mohiddin
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Order below Exhibit 30 in SCC No.5874/2021

This is an application filed by the accused for setting aside the no evidence order passed against her on 16.02.2024. The complainant has filed his say and resisted the present application. Read the application and say. Perused the record. It appears that, the statement of the accused under Section 313(1)(b) of the CrPC is recorded on 07.12.2023. Thereafter the matter is pending for the evidence of the accused. Record also shows that the accused was absent thereafter and failed to proceed further. Therefore, due to the absence of the accused her evidence is closed on 16.02.2024 vide order below Exhibit 1. During the said period the accused has not filed even a single adjournment application. Therefore, the reasons mentioned in the present application are not satisfactory. However, considering the nature of the proceeding, it is seen to be proper to give sufficient opportunity to the accused to defend the case by adducing the evidence. Hence, it is seen to be proper to set aside the evidence close order and to give ample opportunity to the accused to lead her evidence. Hence, I pass the following order.

ORDER

1. The application is allowed subject to cost of Rs. 500/- to be paid to the complainant.
2. The evidence close order passed below Exhibit 1 dated 16.02.2024 is set aside after the necessary compliance.
3. The accused is directed to comply the order immediately and to lead her evidence without any adjournment.

Date : 19.04.2024
Place: Aurangabad

(Sameer Gopal Gunari)
Judicial Magistrate First Class,
(Court No.18), Aurangabad