

MHBU040012782025.



Order below Exh. 07.
(dated: 03/02/2026)

By virtue of the present revision petition the revision petitioner has challenged the correctness, legality or propriety of the order passed by Judicial Magistrate First Class, Khamgaon, below Exh. 36 in Criminal Case bearing SCC No. 155/2012.

02. In this revision petition the revision petitioner has taken out the Exh. 07 for stay/suspension of the order passed below Exh. 36 by the Ld. Trial Court. The respondent's say was called upon. The respondent is appeared through advocate R. B. Gorle and his associates. However, the respondent failed to file reply. Hence, the present application proceeded without reply of the respondent.

03. The advocate Nagrani has argued that the Ld. Trial Court has passed order below Exh. 36 is not sustainable in the eyes of law, and the revision petitioner will demonstrate it during the course of final argument. However, the Ld. Trial Court is causing hurry to proceed with the SCC No. 255/2012. By virtue of order below Exh. 36 the Ld. Trial Court has granted permission to the respondent to lead the secondary evidence and the case is listed on 09/02/2026 before the Ld. Trial Court for leading the evidence. If the respondent and the Ld. Trial Court proceeded further on the strength of order below Exh. 36,

then very purpose of preferring the present revision petition will be frustrated.

3.1 As the contention of the revision petitioner is neither countered by virtue of the reply or by virtue of the oral argument, therefore, it can be said that the respondent is in agreement with the contention of the revision petitioner. Moreover, if on the basis of the permission to lead secondary evidence, if the respondent led the evidence then more complication would arise. Therefore, it is justifiable to stay/suspend the order passed below Exh. 36 in SCC No. 155/2012 by the Judicial Magistrate First Class, Khamgaon. Hence, the following order.

Order

1. The order passed below Exh. 36 in SCC No. 155/2012, by the Judicial Magistrate First Class, Khamgaon is stayed/suspended until further orders.
2. Inform the Ld. Trial Court accordingly.

Date: 03/02/2026.
Place: Khamgaon.

(Laxmikant A. Bidwai)
Additional Sessions Judge,
Khamgaon.

Certificate

I affirm that the contents of this PDF file order as correct word to word as per the original order or Judgment.

Name of the Court : Adhoc DJ-1 and ASJ, Khamgaon.

Name and designation : A. A. Tholbare, Stenographer (Grade-2)

Direct Typed on : 03/02/2026

Checked on : 03/02/2026

Signed on : 03/02/2026

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