

MHGA030001742019



IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, GADCHIROLI
(Presided over by Shri. S.P. Sadafale)

Regular Criminal Case No.124/2019

Markhandeya Nagari Sahakari
Pat Sanstha Marya, Gadchiroli

... **Complainant**

- V e r s u s -

Ramesh Narayanrao Mankar

... **Accused**

ORDER BELOW EXH.68
(Passed on 07/05/2026)

By this application, the complainant is soliciting to grant permission to produce documents on record. It is opposed strongly on the ground that the complainant has examined himself and failed to produce this document at earlier stage. Now, complainant want to fill up lacuna after his cross-examination and therefore, application is liable to be rejected with costs.

2] Heard learned counsel for the accused. Complainant and his counsel remained absent. The matter is 7 years old and therefore, Court constrained to pass necessary order.

3] This is a complaint under section 138 of Negotiable Instruments Act, in which the complainant society is authorized its

president Suresh Padmashali to present this compliant against the accused and deal with the same. However, the complainant society failed to produce relevant documents of authorization of the witness to file this compliant and lead evidence.

4] On that aspect, the accused putforth his defence by tooth to nail and conducted entire cross-examination of the witness. Record shows that the evidence of complainant is over and only after his cross-examination the present document i.e. resolution dated 09 August, 2017 is seeking to be produced on record. Needless to mention that the above document remained in possession with the complainant society from 09.08.2017, but despite giving reasonable opportunities, it is not produced on record and only after cross-examination of the witness of the complainant for filling of lacuna tried to produce this document on record.

5] In that respect, the learned counsel for the accused relied on the case of **Lalit Narayan Thakkar Vs. Narendra Gajanan Sharma decided on 01.04.2024.** In this case Hon'ble Bombay High Court bench at Aurangabad dealt with the serious question of authorization in favour of PW-1 to file compliant against the accused. The PW-1 though produced resolution to conduct prosecution, it does not bears signature and endorsement by DDR about sanctioning and approval of the resolution. There Hon'ble Lordship held that apparently there is no valid authorization in favour of PW-1 to institute compliant of behalf of the complainant

Society, therefore, he was not legally authorized or equipped with effective resolution to prosecute, prosecution itself fails for want of sanction and authorization.

6] Thus, it was incumbent on the part of complainant society to produce relevant document at the relevant time and only after opening defence of accused during cross-examination of PW-1, no such opportunity can be granted to produce document for filling of lacuna in the complainant case. It would amount to prejudice to the legal right of accused to put forth probable defence against the complainant. Moreover, there is no explanation in the application as to why this document is not filed at earlier stage. In the result, following order is passed.

ORDER

- 1) Application is rejected.
- 2) No order as to costs.

Date- 07/05/2026.

(S.P Sadafale)
Chief Judicial Magistrate
Gadchiroli.