

MHGA090005232018



**IN THE COURT OF EXTRA JT. JUDICIAL MAGISTRATE, FIRST CLASS,
CHAMORSHI**

S.C.C. No.239/2018

Dr. Chhagan Sitkuji Parvate

Complainant

Vs.

Dr. Atul Maroti Surjagade

Accused

Order Below Exh.57

(Dated 12/06/2025)

The present application is filed by the complainant seeking to set aside order passed by my learned predecessor below Exh. No. 1 dated 10-05-2024 and to lead further evidence.

2. Perused the application and reply thereon. No arguments advanced by both the side.

3. Perused the record. The complaint is filed against the accused for the offence punishable under section 138 N.I.Act, 1881. It appears that my learned predecessor has closed the evidence of complainant for being absent for taking examination in chief of the witness namely, A.K. Patre, Branch Manager, District Cooperative Bank, Chamorshi, Gadchioli.

4. Now, the complainant desirous to examine him. The accused has every opportunity to cross-examine him. As such, no prejudice would be caused to the accused if the application is allowed. It is also essential to finally adjudicate dispute and to prevent multiplicity of proceedings. Considering the delay, it can be addressed by imposing cost. The reason provided in the application found to be just and reasonable. In light of this, the following order is passed.

ORDER

1. The application Exh. 57 is allowed and subject to cost of Rs. 300/- to be paid to the accused.
2. The complainant is permitted to lead further evidence subject to payment of witness bhatta.
3. The order below Exh. No.1 dated 10-05-2024 is hereby set aside.

Sd/-

(S.A.Bhaisare)

Place: Chamorshi

Date: 12.06.2025

Extra Jt. Judicial Magistrate First Class,
Chamorshi