



IN THE COURT OF DISTRICT JUDGE-1, & ASJ, GONDIA.

CRI. REV. APPLICATION NO. 45/2024
(CNR NO.MHGO010011672024)

M/s Bungee Fashion+2 -Vs- Praful Agrawal+1.

ORDER BELOW EXH. 05.

(Passed on this 13th day of September, 2024)

Seen application.

2. It is submitted that today the revision at hand is at the stage of awaiting service of notice.
3. Learned advocate for the applicant has submitted that there is urgency in the case in as much as SCC No. 1075/2017 filed under Sec. 138 of Negotiable Instruments Act is fixed for cross-examination. However, in evidence, the original complainant has not produced on record cheque and return memo. Rather the original complainant intends to lead secondary evidence in this connection in view of order passed below Exh.85.
4. According to the advocate for petitioner, learned trial court has permitted the original complainant to lead

secondary evidence, however, the petitioners are not allowed to cross-examine the original complainant as regards validity of the ground raised in application Exh.85 for leading secondary evidence. Therefore, if some adverse order is passed as on date by learned trial court then the petitioners may suffer prejudice.

5. Thus, according to the advocate for the petitioners in the instant case, learned trial court has accepted statement made by the original complainant in application Exh.85 as if the same is gospel truth. In fact, according to the learned advocate for the petitioners, learned trial court ought to have allowed the petitioners to cross-examine the respondents as regards ground alleged in application Exh.85.

6. Thus, at this stage, it can be said that petitioners have demonstrated arguable case and that in the event if interim protection is not granted then petitioners will further suffer prejudice. Hence, at this stage I proceed to pass following order.

ORDER

1. Pending hearing and final decision of application Exh.5, let hearing of SCC No.1075/2017 be stayed till 26/09/2024.

2. Accordingly issue fresh notice on application Exh.5 at hand calling upon the respondents as to why the relief claimed in this application may not be granted in favour of the petitioners.
- 3 In addition to court service, petitioners shall serve copy of application Exh.5 and revision application upon the respondents and filed affidavit of service before returnable date.
4. Notice is made returnable on 26/09/2024.

Gondia.
Dated: 13.09.2024.

(A. S. Pratinidhi)
District Judge-1 & ASJ,
Gondia.

Dictated on : 13/09/2024
Transcribed on : 13/09/2024
Checked by the Judge : 13/09/2024
Finally printed & signed by : 13/09/2024
the Judge