

MHKO050043592022 	<u>SCC No.2009/2022</u> <u>Order below Exh.45</u>	R. D. Enterprizes Vs. Onkar Raghunath Mete
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Accused has filed this application to set aside “No cross order” order passed below Exh.14 on 05/4/2025 against him. The complainant has strongly resisted the prayer of accused by filing his say below Exh.45. Perused the application and say. Heard Ld. Pleaders for both the parties.

2. Advocate of complainant has argued that the reason mentioned in application is false. Evidence affidavit is filed on 27/03/2023 and accused is deliberately prolonging to take cross-examination, hence prayed for rejection of application. On the other side advocate for the accused has vehemently argued that he is engaged in another court matter due to which he is unable to conduct cross examination. Finally, accused has prayed for granting the relief sought by him by considering the reasons given in the application.

3. After considering the argument advanced by the both parties. Considering the application made by the accused from which appeared that, in his application he has assigned the reasons. If the present complaint is ordered to be proceeded without no cross of accused, then accused would not be in a position to set up his valid defence. Therefore, in order to decide the real controversy between the parties, opportunity of being heard is essential to be given to the accused. If accused is denied to conduct cross, then grave injustice would be caused to him. Accused has placed this application on the same day when no cross order has been passed. Therefore, considering this aspect the present application is

allowed by imposing minimum costs of Rs.100/- on accused payable to complainant. Considering above facts and circumstances and in the interest of justice, I pass following order.

:: Order ::

1. Present application is allowed.
2. "No cross" order passed against the accused is stands set aside subject to cost of Rs.100/- (In word Rs. One hundred only) payable to complainant.
3. Matter be kept for cross-examination on fixed date.

Ichalkaranji
Date :-10/06/2025

(A.M.Gaikwad)
Judicial Magistrate First Class, Court No.3
Ichalkaranji, Dist. Kolhapur