

MHKO070007932018 	<u>S.C.C.No.218/2018</u>	Lokmangal Co- op. Society Ltd. Solapur Branch Jaysingpur vs. Maya Jadhav
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Common Order Below Exh.30 and 31

Perused application and say. Heard both the sides.

2. Complainant vide Exh.30 prayed for setting aside the evidence closed order passed and vide Exh.31 prayed for production of document. The Ld. Adv. for the accused filed their say on the application itself and prayed for rejection of application.

3. Complainant has filed the present complaint under Section 138 of the N.I.Act. The complainant has filed his evidence affidavit vide Exh.4. The further chief and cross-examination of the complainant is over on 18/09/2019. Read the order passed below Exh.1 dt.16/09/2022. As per said order the complainant was directed to adduce his further evidence otherwise necessary order will be passed. Afterwards on 21/12/2022 the evidence of the complainant was closed vide the order passed below Exh.1. Afterwards the matter kept on 12/01/2023. The present applications are filed on 12/01/2023. Complainant has not voluntarily closed his evidence. On perusal of record it reveals that, the evidence of the complainant was closed by this Court on 21/12/2022. Complainant in the application itself has stated that due to the official work he was not able to remain present in the Court. The complainant is co-operative society hence in such

circumstances the absence of the complainant prima- facie seems to be the bonafide reason of as official work. The every complaint needs to be decided on merit. The other side has specifically stated that, no any reason was mentioned in the application for not production of said documents. But on perusal of application vide Exh.30 it specifically discloses the reason of due to the official work of the complainant he was not able to present before the court. If the present application is allowed, then that circumstances the other side has also get the opportunity to discard it or proceed further as per law. Hence, in such circumstances a chance need to be given to the complainant to proceed further. The present matter is more than 5 year old. Hence, when allowing the present applications cost needs to be imposed. Hence, I pass following order-

ORDER

- 1) The application vide Exh.30 is hereby allowed subject to be depositing the cost of Rs.300/- in the court.
- 2) The complainant is directed to deposit the cost on or before next date.
- 3) After depositing the cost vide Exh.30, the application vide Exh.31 be also allowed.
- 4) Parties to take note accordingly.

Date 03/08/2024

(A.T.Mangire)
Judicial Magistrate F.C. Court No.2
Jaysingpur

I affirm that the contents of this P.D.F file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	Shri.R.L.Mane.
Name of Court	2 nd Jt.C.J.J.D.& J.M.F.C., Jaysingpur.
Date of Dictation.	03/08/2024.
Judgment/order signed by the PO on	03/08/2024.
Judgment/order uploaded on	03/08/2024.