


<u>MHKO130007632009</u>	<u>R.C.C. No. 129/2009</u>
	<u>Mahadeo Vithu Kadam Vs. Maruti Vitthu Kadam etc 5</u>

ORDER BELOW EXH. 128.

1] Accused no. 2 to 5 have filed this application for setting aside the No cross order & seeking permission to take cross-examination of the complainant.

2] Perused the application and say filed by the complainant. Heard both the sides. On perusal of record it appears that vide order below Exh. 102 cross-examination of the complainant is dispensed with vide Section 309(2)(c) of Cr.P.C. More importantly, on perusal of the record it appears that vide order below Exh. 1 dated 19.07.2023 my learned predecessor has closed the evidence of the complainant. Thereafter, statement u/s. 313 of the Cr.P.C. is recorded on 02.09.2023. More importantly, the present application is filed at the time of completion of the argument of the complainant. Matter is more than 15 years old. Furthermore, accused submitted that during the aforesaid period accused no. 1 is reported to be dead and accused were remained absent. Complainant has filed the present matter u/s.324, 326, 506, 427, 504 r/w.34 of IPC. Considering the nature of complaint, allegations against the accused and reason mentioned in the application, it is necessary to give the opportunity to the accused to cross-examine the complainant for proper adjudication of the complaint and for just decision. No reason to disbelieve the grounds. Therefore, in the interest of justice. Hence I proceed to pass the following order:-

ORDER

1.	The application is allowed.
2.	Order dated 16/09/2022 passed against accused is hereby set aside subject to cost of Rs. 1000/- [Rs. One Thousand Rupees only] which is payable to complainant.

Kagal.
Date :- 17/09/2025.

(Pranita S. Patil)
Civil Judge Jr. Dn. Kagal.