

ORDER BELOW EXH- 35.

Perused application and say. Heard counsels for both sides. They argue as per contention of their application and say.

2. It is not disputed that, now case is for further evidence of complainant. Therefore, only question left before this court to find out whether conduct of accused is genuine one to grant him this opportunity. As per record, on 05.03.2025 no cross order was passed against accused and he has filed this application on 25.06.2025. However, reasons sought by accused are not justifiable. Further, initially due to absence of accused proclamation has been issued against him. Thereafter, he appeared in proceeding and did not avail the opportunity granted to him.

3. Obviously, cross-examination is in-declinable right of accused. For fair trial opportunity for cross-examination need to be given to accused. Case is more than one and half year old and the overall conduct of accused shows that, he intentionally prolong the matter as possible at length and through this application return back to its original position. Complainant prayed to impose cost of Rs.5,000/- delay caused by accused.

4. Therefore, considering conduct of accused and principle of natural justice, some cost need to be imposed over him. Complainant demanded to reject the application. Therefore, considering above discussion as last chance, accused granted

permission to cross-examine complainant subject to some cost which is reasonable one. Thus, I pass following order,

ORDER

1. Application is allowed subject to cost of Rs. 5,000/- paid to the complainant society on or before next date.
2. After payment of cost amount by accused, he is permitted to cross-examine complainant.
3. Complainant directed to remain present his witness on next date along with direction to accused cross-examine him without fail.
4. Parties to take note and proceed further.

Place- Ajara.
Date- 24.09.2025.



(R. P. Thore)

J.O.Code No.MH02897
Judicial Magistrate First Class,
Ajara.