

MHLA120006382012 	ORDER PASSED BELOW EXH.273
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Accused has filed the present application to set aside no cross order passed against him below Exh.120 on 04.02.2025.

2. It is contended by the accused that he failed to conduct the cross-examination on last date. Therefore, no cross order passed against him. The cross-examination of complainant is necessary. Hence he prayed to set aside cross examination order passed against the accused.

3. Say not filed by the complainant.

4. Complainant present. Accused absent. Their advocates are absent when called out repeatedly. The case is more than 10 years old and both parties are absent without any adjournment application. Hence, I proceed without argument of both parties in order to avoid the delay.

5. Perused the record of case. This is the case filed under sec. 420, 467, 467, 471, 474 of IPC against accused no. 1 to 4 and 7. The chief-examination of complainant recorded on 14.05.2019. The charge was framed against accused on

23.01.2025. The cross-examination of complainant adjourned by the accused on 14.05.2019. After the framing of charge, since 23.01.2025 no cross-examination conducted by the accused. Even, no any such application for cross-examination put up by the accused. Now, the matter posted for the recording statement of accused. Then, this application is put up without any reason of his failure to conduct the cross-examination. The record disclose that the accused are prolonged this matter without any reason.

6. On perusal of record it reveals that the said complaint is lodged till 2012. In view of section 311 of Cr.P.C. the defence of accused is required to just decision of case. Thus, considering all these facts and necessity to conduct the cross-examination for just decision of case, the application is allowed subject to costs. The complainant is present. Therefore, there is no need to call the complainant for cross-examination. In order to avoid the delay, it will be just to conduct the cross-examination by accused on today. Hence, I pass the following order:-

ORDER

1. Application at Exh.273 is allowed.
2. No cross order passed against the accused on 04.02.2025 is set aside subject to costs of Rs.1,000/- to be paid to the complainant.

3.Upon failure to comply this order, No cross order will be in tact.

Nilanga.

Date:- 13/08/2026

(Smt. A. S. Gunjawate)
Judicial Magistrate First Class,
Nilanga.