

Aroma Vs. Mahalaksmi
IN THE COURT OF THE JUDICIAL MAGISTRATE FIRST CLASS
20TH COURT, MAZGAON, MUMBAI

C.C. No. 2012619/SS/2019

ORDER BELOW EXH. 50

This is an application filed on behalf of accused with the prayer to set aside order dated 16.02.2026, whereby, no cross order was passed against the accused. It is stated in the application that the process of mediation is required to be carried out in the present case. If mediation process fails, the accused is ready to proceed with the trial. Hence, prayer to allow the application.

2 Reply is filed by the learned advocate for the complainant below same application raising the objection to allow the application. The conduct of the accused is prayed to be considered. The application is filed to cause delay. It is prayed to reject the application.

3 Perusal of record shows that the matter was fixed for cross-examination on 19.12.2025. Since then, the matter was fixed for cross-examination of the complainant. The matter is of the year 2019. Still, cross-examination of the complainant is not commenced yet. On last date, application for adjournment filed on behalf of accused was rejected as per Exh.49. Similarly, no cross order came to be passed below Exh.24.



...2...

4 Now, this application is filed seeking to set aside the said order. It is true that mediation process can be directed to settle the matter. However, the conduct of accused is not convincing to send the matter for mediation as the accused remained absent today as well. The Junior advocate of the learned advocate representing the accused is present. She submits that she is not knowing the terms on which matter is intending to be settled. Thus, no purpose would be served by sending the matter for mediation, at this stage in absence of accused. However, today the complainant is present. I have inquired with the Junior advocate representing the accused whether she is willing to cross examine the complainant today to which she showed her inability. Thus, even if present application is allowed, the matter will not be proceeded further today and it will cause delay. In fact, when on last date no cross order was passed, the accused ought to have ready to conduct cross-examination by filing the present application. But failed. Thus, the conduct of accused is not inspiring the confidence to allow the application. Accordingly, I am not convinced to allow this application. I pass following order.

ORDER

Application is rejected.

(Paresh. V. Kulkarni)

Judicial Magistrate First Class
20th Court, Mazgaon, Mumbai.

Date : 05.03.2026