

IN THE COURT OF THE JUDICIAL MAGISTRATE FIRST CLASS
20TH COURT, MAZGAON, MUMBAI
C.C. No. 1404/SC/2021
COMMON ORDER BELOW EXHS. 36 & 40

The complainant has been recalled for his re-examination, cross-examination vide order below Exhs. 30, 34 dated 15.12.2023.

2 Earlier, the complainant has been cross examined on 02.11.2022. The statement under section 313 of the Code of Criminal Procedure has been recorded on 01.12.2022. The complainant has been recalled and further cross examined on 17.04.2023.

2/2 Hence, the questions with regard to the letter dated 21.06.2023 addressed to the Postmaster, Sion Post Office, the FIR i.e. General Diary Details dated 06.04.2023, 29.03.2023 registered with Chunabhatti Police Station, intimation letter addressed to the accused bearing O.W. No. 2050/2023 dated 13.04.2023, the letter dated 09.11.2023 addressed to the Canara Bank Ltd, the letter dated 09.11.2023 addressed to the Chief Public Information Officer, the letter dated 11.11.2023 addressed to the complainant, the police statement dated 26.12.2023 are the documents which are apparently part of the correspondence, events after initial cross-examination of the complainant. Therefore, the questions with regard to the same cant be put now to the complainant invoking section 311 of the Code of Criminal Procedure in view of earlier proceeding.

2/3 The reply dated 26.10.2021 has already been marked Exh. 17 and sufficient opportunity has been availed by the accused to cross examine the complainant on said aspect. The copy of passbook with reference to the Bank of Maharashtra with reference to the customer



Nilima Savai, Vilas Rokade have no direct relevancy in present dispute. Moreover, the accused has availed sufficient opportunity to put said facts to the complainant during earlier cross-examination.

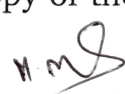
3 However, considering the order passed below Exh.30 and 34 and to that limited extent, the accused can be permitted to cross examine the complainant with reference to letter dated 02.05.2022 addressed to the Canara Bank, the address of the accused with reference to copy of her passport, copy of passbook of Canara Bank, address details of her family members with reference to receipt dated 17.07.2022, share certificate no. 178, receipt dated 20.07.2023, receipt dated 06.11.2023, agreement of leave and licence, GST invoice/Vimal Gas Service, the public advertisement of Shreeram Chits, the letter dated 20.12.2023 with reference to application dated 02.11.2023, fresh certificate of incorporation and forms with reference to chit agreements, Shreeram chits, ^{i.e. the documents along-with Exh.40} As, the accused has contended with regard to dispute on account of some Chit finance transaction and her address.

4 Accordingly, following order is passed.

ORDER

- 1 The application Exh.36 is partly allowed.
- 2 Production of the documents along-with Exh.40 is allowed.
- 3 The accused is permitted to cross examine the complainant with reference to earlier order below Exh.30, 34 and as observed in paragraph no. 3 above.
- 4 The accused to file proper list with necessary details of the documents which are already placed on record along-with Exh.40 with corresponding serial numbers and to provide the copy of the same to other side.
- 5 Both sides to note.

Date : 19.07.2024


 (V.B. Gulve-Patil)
 Judicial Magistrate First Class
 20th Court, Mazgaon, Mumbai.