

IN THE COURT OF THE JUDICIAL MAGISTRATE (FIRST CLASS)
58th COURT, BANDRA, MUMBAI

Case No.420/SC/2022
(CNR No.MHMM18-005628-2022)

Casby Logistics Pvt Ltd.

...Complainant.

V/s.

1. M/s. N.S. Rama Rao Body Works and Ors.

...Accused.

ORDER BELOW EXHIBIT-45

This is an application filed by the accused to set aside the no cross order passed on 11th December 2024. It is the contention of the accused that, the complainant has not submitted the copy of evidence either physically or through e-mail or WhatsApp application. As per their contention, the complainant obtained such order by misleading the Court. The accused are ready to cross examine the complainant. Hence, this application.

2. The complainant strongly resisted the application. According to the complainant the accused are playing delayed tactics. The affidavit of evidence was filed in February 2024. Sufficient opportunity was given to the accused. The reason mentioned in the application is not at all satisfactory. Hence, the complainant has prayed to reject the application.

3. Neither the the accused nor their advocate turned up to argue on the application. Heard learned advocate representing the complainant. Gone through the record of the case.

4. No cross order has been passed on 11th December 2024. The accused in their application made grievance about not supplying

the copy of evidence affidavit. However, as rightly argued by learned Advocate of the complainant the application is silent about their absence on 11th December 2024. This application is made on 12th March 2025. However, the accused did not take pain to get it decide early. Today also the accused are absent. Despite that, considering the principle of natural justice and fair trial the opportunity needs to be given to the accused to cross examine the complainant. At the same time, the delay caused for trial cannot be overlooked. Such delay can be compensated to the complainant in terms of money. Hence, the following order:

ORDER

- 1) The application is allowed subject to cost of Rs.2000/- (Rupees Two Thousand Only) payable to the complainant on or before next date.
- 2) Upon failure to pay cost amount as directed above within stipulated period the application be treated as rejected.
- 3) Parties to take note.
- 4) The application is disposed of accordingly.

Sd/-

(B.S. Sankpal)

Judicial Magistrate (First Class)

58th Court, Bandra, Mumbai.

Date : 06.08.2026

SBA/-