

Order below Exh.44

Complainant preferred this application and contended that the disputed cheque seized by City Police Station, Yeola in C.R. No.79/2014. Ld. adv. for complainant submitted that as original cheque is in custody of city police stn., hence, may kindly be issue witness summons to concern police station and prayed for allowing the application.

Ld. adv. for accused submitted that complainant filed the affidavit in chief on 05/11/2016. Thereafter, complainant trying to delay the matter by using various tactics. She further submitted that complainant preferred same kind of application at Exh.23 which is rejected by Court. Hence, the present application filed by complainant also having same contents. She invited the attention towards Exh.49 filed by complainant. She further submitted that as per complaint the disputed cheque is seized in sessions case and which is pending before the Hon'ble Session Court Niphad. Hence, application Exh.44 and 49 appears contrary to each other.

I perused the record, it appears that Court already rejected same kind of application vide Exh.23. Hence, considering the all aspects, application rejected.

(N.N. Chintamani)

15/09/2017

Judicial Magistrate, F.C., Yeola (Nashik).

Order below Exh.47

Complainant preferred this application and contended that matter may kindly adjourned till the original cheque received back from the Hon'ble Session Court, Niphad. Ld. Adv. for accused submitted that complainant trying to harass accused by filing various false applications and using tactics. Hence, already sufficient adjournment have been obtained by complainant. In such circumstances, application may kindly be rejected.

I perused the record. It appears that reasonable adjournments have already been obtained by complainant. In view of above submissions adjournments could not be granted. Hence, application rejected.

15/09/2017

[N.N.Chintamani]
Judicial Magistrate, F.C., Yeola.

Order below Exh.46

Present application filed by accused for necessary orders against complainant. Ld. adv. for accused submitted that complainant is trying to delay the matter by using various tactics. She further submitted that complainant has filed affidavit-in-chief but, inspite of proceed with matter complainant trying to delay the matter by filing various applications abusing the process of law. Hence, accused facing trial since long. In such circumstances, complainant is not interested to proceed with matter according to the merit of case. Hence, she prayed that necessary order may kindly pass against the complainant.

On contrary, Id. adv. for complainant submitted that present case is filed against accused under Sec.138 of Negotiable Instrument Act. However, the disputed cheque were seized by Yeola City Police Station in C.R. No.79/2014. Hence, without original disputed cheque, he cannot proceed with matter since he is trying to obtain disputed cheque from concern authority. Therefore, the application filed by accused are not maintainable. Hence, she prayed for rejection of application

I perused the record. No doubt, it appears that complainant has filed his affidavit-in-chief on 05/11/2016 vide Exh.33. Thereafter, various applications filed by complainant as well as accused person also. Therefore, all these applications were pending for the argument. Application filed by complainant vide Exh.44 was pending for the argument even application vide Exh.49 is also pending for argument. In such circumstances, it is a very difficult to pass adverse orders against complainant. Hence, as on 03/08/2017, both the parties were directed to argued respective exhibits. Hence, at this stage, the application moved by accused has no merit as Exh.44, 49 was pending for argument. Hence, considering all aspects application filed by accused is hereby rejected.

15/09/2017

[N.N.Chintamani]
Judicial Magistrate, F.C., Yeola.

CERTIFICATE

I affirmed that the contents of the PDF filed Judgment are same word to word, as per the original Judgment.

Name of stenographer : N.K. Vispute,

Court : Joint Civil and Criminal
Court, Yeola, Dist.Nashik.

Dictated on : 15/09/2017

Judgment signed by
the Presider Officer on : 09/10/2017

Judgment Uploaded on : 09/10/2017