

Order below Exh.47

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.29 which is rejected by Court. Hence, the present application filed by complainant also having same contents. She invited the attention towards Exh.52 filed by complainant. In Exh.52 accused and his advocate submitted that the disputed cheque is seized in sessions case and which is pending before the Hon'ble Session Court Niphad. Hence, application Exh.47 and 52 appears contrary to each other.

I perused the record, it appears that Court already rejected same kind of application vide Exh.29. Hence, considering the application of complainant vide Exh.52, application Exh.47. Hence, application rejected.

(N.N. Chintamani)

15/09/2017

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

Order below Exh.49

This application is preferred by advocate for accused contending that Exh.47 is pending. Hence, advocate for complainant is not interested to proceed with matter hence, necessary order may kindly passed.

On the contrary, Id. adv. for complainant submitted that the disputed cheque is seized in Hon'ble Session Court hence, he is trying to receive that the original cheque. Hence, he filed the applications below Exh.52. Hence, application may kindly rejected.

I perused the record. Complainant filed present case u/Sec.138 of Negotiable Instrument Act in year 2015. Thereafter, accused appeared in this matter on 22/06/2016 and canceled NBW vide Exh.24 dtd. 13/07/2016. Complainant filed his affidavit-in-chief on 05/11/2016. Thereafter, accused filed application vide Exh.35 contending that compromise talking going on between parties. Hence, matter may kindly adjourned for one month. Accordingly, application was allowed. Thereafter, complainant preferred application vide Exh.47 and 52 which was pending for arguments of parties. Hence, considering all these aspects on last date i.e. 19/08/2017 accused argued the applications under Exh.47 and 52. Hence, application filed by accused vide Exh.49 cannot be consider as Exh.47 and 52 was pending for arguments of both parties. Hence, application Exh.49 rejected accordingly.

(N.N. Chintamani)

15/09/2017

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

Order below Exh.50

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.