

Order below Exh.45 in SCC No.1002/2019.

1. The accused has filed this application for re-call of the complainant as witness.
2. It is his contention that the cross-examination of the complainant was completed on 04.01.2022. Thereafter, the accused got the material documents. The said documents are important and in respect of which the complainant needs to be re-examined. The complainant has filed false documents and causing obstruction in the proceeding.
3. The complainant is the witness and his examination is important and hence, the accused has filed this application for re-call of the complainant as witness.
4. The complainant has filed his say on the backside of the application. It is their contention that the application is not true and correct. The contents of the application is false. No proper reason is given for application. The accused cannot change the procedure of the court. He is prolonging the matter. Hence, he prayed for rejection of the application.
5. Heard both sides.
6. It is the contention of the accused that it is necessary to examine the complainant as a witness in respect of the some of the important documents and hence, he prayed for the recall of the complainant.
7. I have gone through the record and proceeding. The record shows that the complainant was examined on 04.01.2022 by the accused himself. Now the accused wants to re-examine the complainant on the point of the important documents. The matter is at the stage of evidence of the accused. It is necessary to give every opportunity to the accused to defend his case. Further, it is necessary to give him a chance of fair trial. The

offence is related to the documents only and the accused wanted to cross-examine the complainant on the material documents. In order to arrive at proper conclusion at the time of final hearing, it is necessary to give the accused an opportunity to cross-examine the complainant to defend his case. No prejudice will be caused to the complainant, if the application is allowed. Further, the accused is contesting this case in person. In such situation, I pass the following order:-

ORDER

1. Application is allowed subject to costs of Rs.300/- .
2. The accused is permitted to cross-examine the complainant.

Date :- 28/08/2023.
Place :- Yeola.

(M. S. Ligade)
Judicial Magistrate, First Class,
Yeola, Dist. Nashik.

CERTIFICATE

I affirm that the contents of this PDF file Order / judgment are same, word to word, as per the original order / judgment.

Name of Stenographer : P.A. Bargal, (L.G. Stenographer)

Name of the Court : Shri. M. S. Ligade, JMFC,
Yeola, Dist. Nashik.

Date of Order / judgment : 28.08.2023.

Order / judgment signed by

Presiding officer on : 28.08.2023.

Order / judgment uploaded on : 28.08.2023.