

CNR No. MHPU08-002556-2020 S. C. C. No. 4218/2020
Chadrakala Ruliram Agarwal
Vs
Presh Kothari

ORDER PASSED BELOW EXH. 41

Read application and say filed by the complainant at Exh. 42. Heard both the parties. Perused the written notes of argument filed at Exh. 43 by the complainant and the record.

2) Accused filed instant application for permission to give evidence on oath. Perusal of the record shows that accused in his statement recorded under Section 313 (1)(b) of the Code of Criminal Procedure Exh. 39 stated that he does not want to give his evidence. But however, by way of this application he contended that he want to give personal evidence of himself on oath. No doubt that the accused has in his statement recorded under Section 313 (1)(b) of the Code of Criminal Procedure stated that he does not want to give his evidence, but however, no prejudice will cause to the complainant if permission is granted. Therefore, in the interest of justice in my opinion one opportunity is required to be given to the accused. Hence, in view of above observation, I pass the following order.

ORDER

Application is allowed.

Date : 23/04/2026

(Maimuna Sultana M.)
Judicial Magistrate First Class,
Khadki, Pune.