



**ORDER BELOW EXH.62**

This application is filed by accused nos.1 to 3 on the ground that their counsel Mr. A.E. Bharambe was suffering from some disease and was unable to attend the court for making cross-examination of the informant on 30/03/2024. Therefore, they claimed permission to allow them to conduct cross-examination of informant below Exh.51.

2] Say of APP was called. Accordingly, APP filed its say at Exh.66. It is alleged in the say by the prosecution that previously accused sought two to three adjournments and informant is a government servant and also a diabetic patient etc.

3] I have heard both the parties.

4] The court has passed order of No Cross examination on Exh.51 on 30/03/2024 and thereafter this application is filed on the very next date i.e. 24/04/2024. If the copy of medical certificate of the concerned advocate is seen below list Exh.64, then it appears that the senior counsel for accused was suffering from some diseases like hernia etc. and he was admitted on 30/03/2024. Thus, there is a sufficient cause for the absence of the



counsel for accused and it does not appear to be intentional one, but due to medical condition. The case is of the year 2022. Therefore, I am of the considered view that if the accused are not given one more chance for cross examining informant, then, they may suffer problems. Therefore, in the interest of justice, for fair trial and considering the medical ground of the advocate for accused supported by medical certificate, I pass following order.

**ORDER**

1. Application Exh.62 is allowed.
2. Order of No-cross-examination on Exh.51 is hereby set-aside.
3. The prosecution is directed to keep the informant present on next date for making cross-examination on Exh.51.

Dt.27/05/2024

( **Md. Taher Bilal** )  
Judicial Magistrate F.C., Saswad.



**CERTIFICATE**

I affirm that the contents of this P.D.F. file Judgment are same word for word as per original Judgment.

Name of Steno : P.S. More, Stenographer, (Grade III)

Court Name : Shri. Md. Taher Bilal  
Civil Judge Jr. Division, Saswad.

Date of Order : 27/05/2024

Judgment signed by presiding officer on : 27/05/2024

Judgment uploaded on : 27/05/2024