

Order below Exh. 85 in SCC. No.788 of 2016

Accused No. 1 to 5 have filed this application to set aside no cross order passed against them.

2. It is contended that, no cross order is passed on 28/11/2024 below affidavit of examination in chief due to absence of accused and his Advocate. The accused could not conduct cross-examination of complainant due to non availability of important documents. The accused are ready to conduct the cross examination of complainant. Hence, in the interest of justice and for disposal of the matter on merit such no cross order may be set aside and an opportunity of being heard may be granted to the accused persons.

3. The complainant filed say below the application and contended that, no justifiable reason has been given in application. Hence, application may be rejected, if allowed heavy costs may be imposed.

4. Heard learned Advocates appearing for both the sides. Perused record. No cross order below Exh.33 is passed on 28/11/2024. This application is filed on 23/07/2025. The ground mentioned by the accused persons i.e. they could not conduct the cross examination of complainant due to non availability of important documents appears to be reasonable. Thus, considering the submissions and nature of the matter and for its disposal on merit it is necessary to give an opportunity to the accused persons to conduct the cross examination of complainant. Delay can be compensated by imposing costs on accused persons. Hence, I pass following order.

ORDER

01. Application **Exh.85** is hereby allowed and no cross order passed below **Exh. 33** dated 28/11/2024 is set aside subject to costs of Rs.500/- payable to the complainant.

Indapur.

Dated : 04/09/2025

[P. C. Bartakke]

Judicial Magistrate F. Class, Indapur.