

MHPU180006072023



S.C.C. No. 222/2023

Chaya

Vs.

Harshad

ORDER BELOW EXH.34.

(Passed On 06/11/2025)

The present application has been filed by the complainant for adjournment. The accused has strongly objected to the said application and submitted that, despite being granted several opportunities, the complainant has been seeking adjournments on one pretext or another. The reasons mentioned by the complainant are neither just nor proper, as the matter is pending for the cross-examination of the complainant. It is further submitted that the complainant has been continuously absent and is deliberately avoiding cross-examination. Therefore, the accused has prayed that the present application be rejected.

2. Heard both sides. Perused the application, the say, and the record. The complainant's chief-examination affidavit, filed on 20/06/2025, is already on record. Thereafter, the complainant filed an adjournment application, which was allowed subject to costs. The present matter was then kept for further orders. On perusal of the record, it appears that today the complainant has filed certain documents on record along with Exhibit 33. However, the complainant herself is absent. The learned Advocate for the complainant submitted that some time is required for the complainant to appear before the Court for cross-examination.

3. Conversely, the Ld. Advocate for the accused strongly opposed the application and prayed that necessary orders be passed in accordance with law. After hearing both sides and upon perusal of the record, it appears that the complainant has remained absent for the last four consecutive dates after filing the chief-examination affidavit. However, as certain documents have been recently filed on record by the complainant, and considering the overall circumstances, in the interest of justice, one opportunity is required to be granted to the complainant to present herself for cross-examination. Accordingly, the present application deserves to be allowed, subject to the payment of costs. In my opinion, a cost of Rs. 300/- is just and proper to meet the ends of justice. It is also noted that the accused has filed an application at Exhibit 35 seeking dismissal of the complaint. Hence, the present application is allowed subject to payment of cost of Rs. 300/- to the accused on or before the next date. The matter is adjourned for hearing of Exhibit 35 on the next date, i.e. 17/11/2025. This shall be the last chance granted to the complainant. Both parties are directed to take note that if the complainant remains absent on the next date, appropriate orders, i.e. dismissal of the complaint, will be passed.

Daund.

Date : 06/11/2025

(A. S. Shaikh)

Judicial Magistrate First Class,
(Court No.4) Daund.

CERTIFICATE

I affirm that the contents of this P.D.F file, Order are same, word to word, as per the original order.

Name of the Steno	:- Deepak A. Merukar, Grade-3
Court / Panel	:- A. S. Shaikh 4 th Jt. C.J.J.D. & Judicial Magistrate First Class (Court No. 4) Daund.
Order / Judgment date	:- 06/11/2025.
Order / Judgment singed by	:- 06/11/2025.
the Presiding Officer on	
Order/ Judgment uploaded on	:- 06/11/2025.