

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,**  
**COURT NO.2,GHODNADI**

**ORDER PASSED BELOW EXH. NO.51 IN**  
**S.C.C. No.888 OF 2019**

**(CNR NO.MHPU2000-1589-2019)**

1. Read application along with affidavit and say filed by the complainant on it. Heard both the sides.
  
2. The learned Advocate for the accused submitted that, the complaint is filed under Section 138 of the Negotiable Instruments Act, 1881. The present accused was in Jail. Therefore he failed to remain present in the Court. On 04/08/2025 "No Cross" order has been passed against the accused. He further submitted that, the said accused is released on bail. Hence, considering nature of the proceeding, an opportunity is required to be given to the accused to contest the matter by taking cross-examination of the complainant. He prayed that, in the interest of justice, the application may kindly be allowed.
  
3. The learned Advocate for the complainant filed his say on this application itself and submitted that despite of sufficient opportunity, the accused has failed to cross-examine the complainant. The accused is prolonging the matter without sufficient any reason. He intentionally prolong the matter and and create a hurdle to complainant. The complainant prayed that, the application may kindly be rejected.

4. Considering rival submissions of both the parties, it reveals that, the on 09/10/2024 complainant has filed affidavit of chief-in-examination at Exh.35 and the matter was posted for cross-examination of the complainant. However, the accused has failed to cross-examine the complainant despite of sufficient opportunity. Therefore, "No Cross" order has been passed against the accused. Considering reason mentioned in the application and nature of proceeding, an opportunity is required to be given to the accused for cross-examination of complainant which will helpful to decide the matter on the merit. Therefore, in the interest of justice, it would be just and proper to allow the application subject to costs. Hence, I proceed to pass the following order.

#### **ORDER**

1. Application is allowed subject to costs.
2. No cross order passed against the accused on 04/08/2025 is hereby set-aside subject to payment of costs of **Rs.500/- (In Words Rs. Five Hundred Only)** payable to the complainant on next date.

Place: Ghodnadi  
Date : 01/12/2025

**(S.D.Wankhede)**  
Judicial Magistrate First Class,  
Court No.2, Ghodnadi,  
Tal. Shirur, Dist. Pune.

:: **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 Stenographer    | : S.N.Sargade (Grade - III)                                   |
| Designation of the Court    | : Jt. C.J.J.D.,& J.M.F.C, Ghodnadi, Tal.<br>Shirur, Dist.Pune |
| Date of Order               | : 01/12/2025                                                  |
| Order signed by the P.O. on | : 01/12/2025                                                  |
| Uploaded on                 | : 03/12/2025                                                  |

Sd/-xxx  
(S.N.Sargade)  
Stenographer Grade- III