



Vishal Junnar Sahkari Patpedhi Marya.
Mumbai Branch Manchar Tarfe
Digambar Suresh Tamboli
Vs
Santosh Vasant Bhaiyye

ORDER BELOW EXH. 36

1. The advocate for accused has filed this application for setting aside No cross order passed against accused on 24/07/2025 at Exh.24.
2. Heard both sides. Considered their submissions.
3. The Ld. advocate for accused submitted that on 24/07/2025 the matter was listed for cross-examination of the complainant. On the said date, due to unavoidable circumstances, the advocate for accused could not remain present before Court. Therefore, due to absence of advocate for accused the No cross order was passed against accused. He further submitted that if the said order is not set aside the accused will suffer irreparable loss. If the order is set aside no prejudice will cause to the complainant. In the interest of justice, opportunity kindly be granted to the accused. Hence, prayed to allow the application.
4. The Ld. advocate for the complainant filed his say and submitted that accused was absent before court. The Nonailable warrant was issued against him. The present case is pending since last 4 years. The accused intentionally prolonging the matter. The reason mentioned in the application is not proper. If the court is of the opinion that the application is allowed then costs of Rs.2000/- may be imposed.
5. Perused record. It appears from that on 24/07/2025 the No cross order was passed against accused. The cross examination is preliminary defense

of the accused, where puts forth his version of events. Therefore, it is necessary for deciding the case on merit.

6. If the application is rejected, the accused will not get the opportunity to put his case on record. Considering the facts and circumstances of the case in hand, and the reasons mentioned above, also in order to give fair opportunity of hearing, application needs to be allowed. If the application is allowed no prejudice will cause to the complainant in order to adjudicate the matter on merit. It is necessary to grant an opportunity to the accused for cross-examination of complainant in the interest of justice. It is quite clear and certain that delay has caused by accused in filing present application, therefore, in such circumstances complainant needs to be compensated in terms of costs. The cost will suffice the purpose of justice. Hence, following order is passed.

ORDER

- 1) The application at Exh.36 is allowed subject to a cost of Rs.300/- be paid to the complainant.
- 2) The "No cross " order dated 24/07/2025 passed against accused is set aside.
- 3) The accused is directed to conduct cross examination of complainant on next date without fail.

Date : 05/03/2026
Place : Ghodegaon

Sd/-
(Sneha Sunil Pulujkar)
Judicial Magistrate First Class,
Ghodegaon, Dist. Pune.

CERTIFICATE

I affirm that the contents of this PDF file order are same word for word as per original order.

Name of Court	Smt. Sneha Sunil Pulumkar, Judicial Magistrate First Class, Court Ghodegaon, Tal. Ambegaon, Dist. Pune
Name of Steno	Jayesh S. Kaite, Stenographer Grade III
Date of Order	05/03/2026
Signed by PO.	05/03/2026
Order uploaded on	05/03/2026