



**ORDER BELOW EXH.97 IN REGULAR CRIMINAL CASE NO.38/2015**

- 1) By virtue of this application, complainant prayed to set-aside “No evidence” order passed against him below Exh.1 on 03/12/2025.
- 2) It is submitted by way of present application that, due to some unavoidable circumstances, complainant was unable to adduce further evidence on the listed dates. The non adducing of evidence is not intentional but due to above reason. Complainant has filed complaint for an offence punishable under section 420 of IPC. In such circumstance, if the above order is set aside and complainant is given an opportunity to adduce further evidence, in such circumstances, present case will be decided on merits. If the said order is not set aside, complainant will suffer irreparable loss and complainant will be deprived from defending his rights. On the above reasons, complainant prayed to set aside the above order.
- 3) Accused persons filed say on the overleaf of the present application and thereby resisted the present application. According to them, ample opportunities were granted to complainant to adduce his further evidence. In spite of the same, complainant with an intention to delay the case did not adduced the further evidence. On the above reason accused persons prayed to reject the application.

4) I have heard both the arguments, perused the application and reply thereto as well as various orders passed in the case. Perusal of record shows that, cross-examination of PW1 was concluded on 13/11/2025. Since 13/11/2025, the case was listed for further evidence of complainant. However, complainant did not adduce the same.

5) It is worth noticing that, present case has been filed by complainant for an offence punishable under section 420 of IPC. In my opinion, even though complainant was apathetic in conducting the case by adducing the further evidence, complainant deserves an opportunity to establish his claim by adducing further evidence. If the complainant is permitted to adduce the evidence, the same will assist the court to decide the present case on merit. Consequently, for the above the reasons, I proceed to pass following order:

**ORDER**

1. Application is allowed.
2. No evidence order dated 03/12/2025 below Exh.1 against the complainant is set-aside.
3. Application is disposed of accordingly.

Place : Shrivardhan.  
Date : 10/03/2026.

( S. K. Shaikh )  
Judicial Magistrate First Class,  
Shrivardhan.