

Order below Exh.59 in S.C.C. No. 142/2020
(CNR No.MHRT080003802020)

This is a proceeding concerning an offence punishable under section 138 of Negotiable Instruments Act, 1881. By the present application, it is prayed that personal attendance of the accused be dispensed for this day and the matter may be adjourned for cross-examination of the complainant.

02. It is contended that, for some religious ceremony, the accused is outside. Thus, he could not attend the Court. Moreover, learned advocate for the accused went to Mumbai to attend marriage ceremony of his relative. Thus, it is prayed that the application be allowed by allowing both prayers.

03. Heard learned advocate Miss A. C. Pawar who is also an advocate representing the accused. She submitted that in view of reasons stated, the application be allowed.

04. It is noticeable that, the case is pending since 2020. It was adjourned for several times for the purpose of cross-examination of the complainant. Last opportunity was granted to the accused, as per order below Exh. 58 passed on 23/01/2025 to cross-examine the complainant. Still, the accused and his advocate Mr. R. K. Shinde are not present. Nonetheless, another advocate representing the accused, Miss A. C. Pawar, who is practicing since more than five years is present. However, still present application is made. In the given circumstances, there is no just ground to adjourn the matter. Hence, present application cannot be fully allowed. Personal attendance of the accused can be dispensed.

However, prayer for adjournment is liable to be rejected. Hence, I pass following order -

ORDER

1. Application is partly-allowed.
2. Personal attendance of the accused is dispensed for this day.
3. The prayer for adjournment is hereby rejected.

Dated : 07/02/2025

(B. D. Tare)
Judicial Magistrate F. C.
Devrukh.

CERTIFICATE

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

Name of the Stenographer : S. A. Bhale

Court name : Civil Judge, J. D. and J.M.F.C., Deorukh.

Date : 07/02/2025

Order signed by the presiding officer on : 07/02/2025

Order uploaded on : 07/02/2025