

Order below Exh. 53 in R.C.S. No. 61/2019
(MHRT080005522019)

Present suit is pending for evidence of the plaintiff. By the present application, the plaintiff bank has contended that, in respect of same subject matter for which present suit is instituted, Regular Criminal Case No. 16/2019 arising out of crime bearing No. 67/2018 of Police Station, Sangmeshwar is also pending in the Court. In the said criminal proceeding, during investigation, the investigating officer has seized the articles which were false and just pretended to be gold articles. Based on those false articles believing them to be true, the bank sanctioned and disbursed loan amount to the defendant. When, the aforesaid fact came to light, said offence was registered. After investigation, police report is filed therein. So also, present suit is instituted to recover the amount from the defendant.

02. The report sent to the analyzer to analyze those items, the report of analysis issued by the analyzer are in RCC No. 16/2019. These documents need to be proved in this suit also. Thus, the plaintiff bank has prayed for directing Mr. P. A. Khandare, the Assistant Chemical Analyzer, to remain present to testify in this suit. The directions are also sought to direct the proposed witness to produce copies of aforesaid documents.

03. The defendant has filed reply on the application itself.

04. Perused the record. Heard both sides.

05. Learned advocate for the plaintiff bank, Mr. K. S. Sahastrabuddhe, has submitted that if the witness is directed to remain present for testifying before the Court by keeping with him aforesaid documents, the purpose would be served. The plaintiff bank is producing on record, certified copies of the aforesaid

documents, which are in the record of RCC No. 16/2019, submitted the learned advocate.

06. In light of all the aforesaid facts, issues involved in the suit and submissions made, the witness summons need to be issued to the proposed witness. Further, the proposed witness need not be directed to produce copies of abovesaid documents. However, he need to be directed to keep with him those documents for the purpose of his examination in the present matter. Hence, I pass following order -

ORDER

1. The application is partly-allowed.
2. Issue witness summons to the proposed witness with a specific direction that for purpose of testifying in this matter, he shall have with him the report sent to him by Police Inspector, Police Station, Sangmeshwar in Crime No. 67/2018 of that police station for analysis of the articles which allegedly pretended to be gold articles, and, the report of analysis issued by him.
3. The witness shall so remain physically present, in this Court, on 14/02/2025.

Date :- 24/01/2025

(B. D. Tare)
Civil Judge (J.D.), Deorukh.

- : C E R T I F I C A T E : -

I affirm that the contents of this Pdf file order are same words as per original order.

Name of Stenographer	:- S. A. Bhale
Court Name	:- The Court of Civil Judge (J.D.) & Judicial Magistrate F.C., Devrukh
Date	:- 24/01/2025
order signed by PO. on	:- 24/01/2025
order uploaded on	:- 24/01/2025