

**CNR NO. MHSI70001812024****Order passed below Exh. No.18  
in S.C.C.No.77/2024**

---

---

Read the application along with say filed the learned APP. On perusal of records, it appears that on 02/09/2024 the evidence of informant and panch witness are recorded. Despite of sufficient time and opportunity, the accused person has not taken cross-examination of the prosecution witness no. 1 and 2. Therefore, on 02/09/2024 no cross-examination order was against the accused person.

2. It is well known that our legal system is based on advisory system. Therefore, both the parties must get opportunity to present their case. In order to arrive at just decision of the case, it would be just and proper to set aside no cross-examination order passed against the accused person. On refusing the application, the accused person will suffer irreparable loss. On granting of application, it will assist the court to arrive at just decision of the case. Thus, the present application is liable to be allowed. Accordingly, I pass following order.

**ORDER**

1. The application at **Exh. 18** is hereby allowed.
2. No cross-examination order passed below **Exh. 06**

//2//

*SCC No. 77/2024  
State Vs. Rajesh  
Exh. No.18*

dated 02/09/2024 in respect of witness no. 1 and 2  
is hereby set aside on payment of witness Batta of  
Rs. 200/- each witness.

(Pronounced and dictated in open Court.)

Place : Malvan  
Date : 06/02/2025

Mahesh R. Devkate  
Judicial Magistrate F.C., Malvan.