

ORDER BELOW EXH.93 IN CRI.M.A No.285/2015
(Vimal Bamane Vs. Bhaskar Bamne)

1. The main application is under Section 12 of Protection of Women From Domestic Violence Act, 2005 (the said Act). At the fag end of the trial, respondent submitted documents with list Exh. 92. Those documents are Ration card, the record of election list of voters in respect of name of applicant. Present application is mainly for giving permission to applicant for conducting cross-examination in respect of documents with list Exh. 92.

2. This application is resisted by respondent on the ground that, the documents are public document. The respondent had submitted photo copies of these documents with list Exh. 20 and 35. Since applicant has admitted to produce her voter list and ration card along with her family residing at Village, Kavalapur, till date she did not produce these documents.

3. Heard learned advocate of both sides. I have gone through the list of documents at Exh. 20. Having waded through the list, the photo copy of ration card is at Exh. 20/35 and the election voter list in respect of applicant's name is at Exh. 20/36. These documents were not merely photo copies annexed with the list Exh. 20 as stated above. They are certified copies. Now, by this application applicant wants to ask question to respondent by her further cross-examination. The cross-examination of respondent is completed. There is no reason whatsoever stated in this application as to why the questions in parity with these documents were not asked and what stopped applicant for not taking cross-examination

on this point. It is not even pointed out whether the said cross-examination will be necessary for the just decision in this matter. The documents i.e. original of ration card and the voter list for the sake of election with list Exh. 92 are not given exhibit. They are merely produced on record. This application is not supported with affidavit. It is not known as to which questions are about to be asked to respondent. There is no clarification that applicant will not fill up the lacunae. It is the initial burden on respondent to prove this documents or seek exhibition of these document within parameters of law. For the want of proper clarification and considering mere submission of documents on record, permitting further cross-examination without just cause would cause prejudice to other side. It is significant to note that, the nature of proceeding is *quasi* Civil therefore, the application shall be supported by an affidavit and shall invite proper grounds for recall of witness under Order XVIII Rule 17 or Section 151 of CPC or for the sake of procedure under Section 28 of the said Act. Therefore, I am not inclined to allow this application. Hence, the following order.

ORDER

1. Application is rejected.
2. The applicant is directed to conduct the cross-examination of the witnesses of opponent promptly.

Date: 22/07/2022

Sd/--
(Wahab A. Syed)
3rd Judicial Magistrate First Class,
Sangli.

CERTIFICATE

I affirm that the contents of this P.D.F. File Judgment are same word to word, as per the original Judgment.

Name of the stenographer	:	Amol P. Patil.
Name of Court	:	3 rd Jt.J.M.F.C. & C.J.J.D
Court	:	Sangli.
Date	:	22.07.2022
Order signed by the Presiding officer on	:	22.07.2022
Order uploaded on	:	22.07.2022