

MHSN030040222022

S.C.C./2418/2022



Order below Exhibit 52
(Surekha Laxman Suryawanshi Vs. Ramdas Tukaram Patil)

1. This is an application filed by the accused praying to set aside the no cross order passed below exhibit 06. The complainant has filed his say and resisted the present application.
2. It would be submitted by the accused that, on 26/03/2025 due to the death of the relative of the learned counsel for the accused, he could not appear in the court and no cross order has been passed against the accused. If the present applications is allowed, no prejudice would be caused to the complainant. Comparatively, if the accused is not allowed with an opportunity to cross examine, he will suffer the irreparable loss. Hence, prayed to allow present application.
3. The complainant would contend that, the accused is intentionally trying to prolong the present trial and intentionally avoided cross examining the complainant. Due to this, the complainant has to attend the court on everyday without serving the purpose. Hence, prayed to reject the present application. However, if this court allows the present application it may do it subject to costs.

4. Considering the nature of the case, it is imperative to have all the facts placed before the court to decide the matter on merits. Hence, it is necessary in the interest of justice to grant an opportunity to the accused to cross examine the complainant.

5. However, on the point of costs, it is a settled principle that costs shall be realistic and shall serve the purpose. Pursuing the reasons mentioned in the application which appeared to be more of a excuse than anything. Also, prior to this application, the accused was already subjected to Rs. 2000/- rupees costs for setting aside the no cross order passed against him for the first time in this proceeding. It would be just an proper to impose cost of rupees 4000/- upon the accused.

Order

1. Application (***Exhibit 52***) is allowed subject to costs of rupees 4000/- to be paid by the accused to the complainant.
2. Accused shall conduct the cross examination of complainant on next date.

Date -11.12.2025
Sangli.

(Juber Shabbir Makandar)
Judicial Magistrate First Class, Court 04, Sangli.

CERTIFICATE

I affirm that the contents of this PDF file judgment/Order is same word as per the original Judgment / Order.

(a)	Name of the stenographer	:	P. D.Tingare
(b)	Court	:	J. S. Makandar 04 th Jt.Civil Judge Jr.Dn.& J.M.F.C.,Sangli
(c)	Judgment/Order signed by P.O. on	:	11/12/2025
(d)	Judgment/Order uploaded on	:	11/12/2025