

MHSN030019352023

ORDER BELOW EXH. 60 IN SCC No. 1291/2023

Rahul Vilas Jagtap

Vs.

B.K. Petroliam Aslam Badshah Shaikh

The present application is filed for setting aside No Cross Order passed against the accused on 18.03.2026.

2. It is contentions of the accused that, Ld. Advocate for the accused was absent. However, the Ld. Advocate obtained leave as per Civil Manual Chapter 33 Para 658(3) from the District Court for 17.03.2026, 18.03.2026, 20.03.2026 and 23.03.2026. He couldn't remain present. The accused has no intention to avoid the cross examination without granting him a permission to cross-examine, the truth of the case will not come on record. Therefore, the Ld. Advocate for the accused prayed that, the application be allowed and witness be recalled fro cross-examination.

3. The present contentions of the application are strongly objected by the complainant by filing say below Exh. 61 and stated that the present application is filed by the accused to delay the proceeding. If the Court is intend to allow the application then heavy cost be imposed on the accused.

4. Perused the application and say filed. Heard both sides. Perused the entire record.

5. It appears from the record that, the plea of accused came to be recorded long back. Thereafter, matter was pending for evidence of the complainant. Recently the complainant filed evidence and the relevant documents are exhibited. The matter was posted for cross-examination on 18.03.2026. The Ld. Advocate on the said day pass on an exemption application for the accused, which was allowed subject to condition that the Ld. Advocate of the complainant will proceed in his absence. However, he didn't even bother to inform about the order of District Court granting his leave on the day on which no cross order was passed. Upon the perusal of order of District Court it appears that, he was directed to proceed in his matter after filing authority letter on his behalf. Yet he chooses not to do so and take disadvantage of the said order by filing this application. Today also the Ld. Advocate and the accused are absent. This shows that, how casual attitude the accused and his advocate carries towards the proceeding of pending before this Court. However without influence of the above observation I also thinks that to decide this matter on merit and to bring truth in the light it is necessary to allow the accused to cross examine the complainant. However, at the same time this court can not ignore the attitude of accused and his Ld. Advocate. Therefore, I am of the opinion that this delay needs to be compensated in terms of cost and certain directions needs to be imposed on accused. Accordingly, I pass following Order-

ORDER

1. The application is allowed.

2. The accused is allowed to cross examine the complainant subject to cost of Rs. 800/- which will be payable to the complainant vide section 311 of Cr.P.C.
3. The accused is further directed to conduct cross examination on next date without fail.
4. No adjournment applications for whatsoever reason will be entertained.
5. Failing to comply above directions the right of the accused to cross examine the complainant will be forfeited immediately.

Place : Sangli.
Date : 16/05/2026.

(Rohini S.Patil)
Judicial Magistrate First Class,
(Court no.1), Sangli.

∴ CERTIFICATE ∴

“I affirms that the contents of this P.D.F Judgment order are same word for word as per original Judgment”.

Name of Stenographer	: Shri. S.A.Jamadar
Name of the court	: J.M.F.C., Court No. 01, Sangli.
Date	: 16/05/2026
Order signed by presiding officer on :	16/05/2026
Order uploaded on	: 16/05/2026