

ORDER BELOW EXH.01 IN
REGULAR CRIMINAL CASE NO. 106/2008

1- The complainant has filed present complaint against the accused No.1 to 3 for the offence punishable under section 415, 463, 464, 468, 120A r.w. Section 34 of Indian Penal Code. Thereafter, verification of complainant is recorded at Exh.1 on 10.11.2008 and process was issued against accused no.1 to 3 for the offence punishable under section 468 r.w. Section 34 of IPC on 15.02.2012.

2- During pendency of trial accused no.1 was reported died on 07.10.2014. Therefore, the case against accused no.1 is abated. The matter is pending for hearing before charge but, the complainant has remained absent hence, initially the complaint was dismissed on 14.11.2014. Thereafter, the complainant has preferred Criminal Revision No.10/2015 against the order passed on 14.11.2014. The same was allowed and order passed below Exh.1 dated 14.11.2014 was set aside. It is further directed that present complaint be restored to it's original number and matter to be dispose of on merit as per law preferably within one year from the receipt of record and proceeding. The record and proceeding is received on 06.02.2018. Summons were issued to accused no.2 and 3. They were appeared on 18.06.2018. Thereafter, the matter is pending for hearing before charge since 26.06.2018. The complainant has examined himself as CW.1 at Exh.58 on 03.10.2018. Thereafter, he has filed application Exh.66 and 69 and the same was rejected on 28.11.2018. The matter is pending for

examination of other witnesses. The complainant has filed application at Exh.77 for issuance of summons to Talathi Borgaon. The same was allowed. The complainant has obtained summons by-hand on 19.12.2018 and served on concerned witness. But, the complainant and his witness has remained absent. The complainant has not taken steps against witness or to lead his further evidence on 28.12.2018 and today also. It shows that he is not interested to lead further evidence. The complainant and his advocate have not filed application 28.12.2018 and today for adjournment. They have remained absent whenever called out i.e. today at about 1.45 p.m.. The matter is ten years old. The conduct of the complainant shows that he is not interested to proceed with the matter since beginning. In such situation, the evidence of complainant before charge is hereby required to be closed. Hence, I pass following order.

ORDER

1. Evidence of complainant before charge is hereby closed.
2. The matter is fixed for argument on the point of framing of charge on – **11-01-2019**.
3. Both parties to take note of this order.

Sd/..

Date : 05/01/2019

Kavathe-Mahankal.

[Manoj C.Nepte]
Judicial Magistrate, First Class,
Kavathe-Mahankal.

