

ORDER BELOW EXH.34
in Regular Criminal Case No. 75/2017

1- Learned advocate for the accused Nos. 1 to 4 has filed application to set aside no cross order passed against accused persons on 09.05.2018. It is the contention of learned advocate that the accused have not given information about cross examination therefore, he was unable to conduct cross examination on the same day. He has filed application for adjournment but same was rejected due to which he has failed to conduct cross examination of the witnesses. He has further stated that in the interest of justice, application be allowed and no cross order passed against the accused be set aside.

2- Learned A.P.P. has submitted his say as if Court thinks fit heavy cost may be imposed on the accused.

3- Heard both sides. On perusal of record, it appears that accused Nos. 1 to 4 have charged for the offences punishable under section 324, 323, 504 and 506 r.w. Sec.34 of IPC. Charge vide Exh.17 was framed against the accused on 08.12.2017. Thereafter, summons were issued to informant and witnesses. Informant Chandrakant (PW.1), Janabai (PW.2), Alka (PW.3) were present on 09.05.2018. Learned advocate for accused has filed application (Exh.25) for

adjournment and same was rejected as a witnesses were present. Thereafter, chief examination of PW.1 to PW.3 is recorded in presence of learned advocate Mr. Atpadkar but, he has refused to take cross examination on account that he has not received necessary information from the accused. Accused Nos. 1 to 4 are also absent on the same day. The conduct of the accused show that they are interested to prolong the matter unnecessarily. Full opportunity has been given to accused to take cross examination of witnesses but accused have remained absent and learned advocate for the accused has refused to take cross examination. In such situation, no cross order passed against the accused persons on 09.05.2018. Present application is filed on 29.12.2018. The conduct of the accused show that they are only interested to prolong the matter unnecessarily. In such situation, I do not find any merit in the application and it is required to be rejected with costs. Hence, I pass following order.

ORDER.

Application (Exh.34) stands rejected with costs.

Date:-01/03/2019. Kavathe-Mahankal.	Sd/.. (Manoj C. Nepte) Judicial Magistrate, First Class, Kavathe-Mahankal.
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