

COMMON ORDER BELOW EXH.31 and 32 IN S.C.C. NO.
372/2018
Ramchandra Jadhav VS Pushparaj Kedage.
CNR NO. MHSN090008512018

1. The complainant is filed present private complaint under Section 138 of the Negotiable Instruments Act.
2. Wherein the complainant has filed application for production of documents and permission for re-examination of the complainant. By filing these applications, it is submitted that at the time of examination in chief, the complainant could not file the office copy of notice sent to the accused. Now, the complainant wants to file the office copy of notice. Therefore, permission may be granted to produce the same and to take re-examination of the complainant.
3. The Ld.Advocate for the accused filed his say and denied the contents of the application stating that, the complainant has not filed the office copy of the notice at earlier stage. Now, the cross-examination of the complainant is completed. Therefore, there are chances that the office copy of the notice may be manipulated and therefore, it cannot be read in evidence. Also, there is no provision under law to file such type of application. Therefore, applications may be rejected.
4. Heard both sides. After perusal of record it is seen that the complainant filed his affidavit of examination in chief at Exh.20 on 05.02.2021 and his cross-examination is completed on 15.11.2021. The Ld.Advocate for the complainant in his application has prayed that the opportunity of examination in chief may be given, but at the time of

argument he has submitted that by filing present application he is praying for the opportunity of re-examination. Admittedly, there is no provision under the Negotiable Instruments Act for which the applications have been filed. But, taking into consideration the nature of offence and in the interest of justice, it is necessary to give an opportunity to the complainant to produce the document i.e. office copy of notice sent to the accused and permission as to re-examination. Eventhough, such type of permission is given it will not cause any prejudice to the accused, as he will get an opportunity to cross examine the complainant. Hence, I pass following order :-

ORDER

1. The applications are allowed.
2. No order as to costs.

(Dictated and pronounced in open Court.)

Date :- 22.11.2022
Place :-Tasgaon.

(Omprakash M. Mali.)
Judicial Magistrate, F.C. Tasgaon.

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

Name of the Stenographer	:	U.P.Patil
Court	:	Civil Judge Jr.Dn. and Judicial Magistrate F.C., Tasgaon.
Date	:	22.11.2022
Order signed by the Presiding officer on	:	22.11.2022
Order uploaded on	:	22.11.2022