

S.C.C. No.402/2023
Keshav Nagari /Gangadhar

Order Below Exh.36

(Passed on 24th of July, 2025)

Accused has filed this application for setting aside the “No Cross ” order dated 06.02.2025 passed below Exh. 21 against him and grant of permission to conduct cross examination of the complainant. It is their contention of learned advocate for accused that due to miscommunication and for lack of information, cross of complainant could not be conducted on 06.02.2025.

2. The complainant has filed his say below the application and thereby objected to the application on the ground that the delay was deliberate and willful .

3. Heard both the sides. Perused record.

4. The application is filed on affidavit. It is the contention of leaned advocate for accused that due to lack of communication, he could not conduct the cross examination of complainant. Now he is ready to conduct the cross of examination of complainant. In order to give full opportunity to the party and to decide the case on merit, application deserves to be allowed.

5. Thus in view of the discussions noted above, I am of considered view that instant application needs to be allowed. But at the same time, it is also necessary that while allowing the

application, costs should be imposed on accused for causing delay to the proceedings. In the result, I pass the following order-

ORDER

1. Application Exh.36 is allowed, subject to costs of Rs. 700/-.
2. "No Cross" order dated 06.02.2025 passed below Exh.21 against accused is set aside subject to costs Rs.700/- to be paid to the complainant within stipulated period.
3. After compliance of order, the permission to cross examination of complainant is granted.

Ghatanji.
Date-24.07.2025.

(P. R. Patil)
Joint Civil Judge, Jr.Dn.,
Ghatanji, Dist. Yavatmal.