

MHYA210010572022



ORDER BELOW EXH.51 IN SCC No.604/2022
Aditya Anagha Co-Op.Society .Vs. Ravikant Sadashiv
Nakshine

1. The present application is filed by the accused for setting aside no cross order dated 19/08/2025 passed below Exh.01.

2. Perused the application. The accused contended that, on 19/08/2025, the present matter was kept for cross-examination of the complainant. The Ld. Advocate for the accused did not find important documents. Therefore, he was not able to take cross-examination of the complainant. Thus, no cross order is passed against the complainant. Now, he is ready to cross-examine the complainant. Lastly, he prayed to allow the application.

3. The complainant filed reply and strongly opposed the application. He contended that, the chief-examination of the complainant was taken on 19/08/2023. From 19/08/2023, the matter was pending for cross-examination of the complainant for more than 3 years. The accused deliberately wasted the time of Court. He harassed the complainant physically, mentally and financially. Lastly, she prayed to reject the application with heavy cost.

4. Heard learned Advocate for the accused and complainant. They submitted as the contentions of application and reply.

5. Perused the application and record. The present complaint is filed under Section 138 of N.I. Act. The complainant filed its evidence affidavit on 19/08/2023 vide Exh.24. Since from then, the matter was posted for cross-examination. However, the accused failed to cross-examine the complainant. Lastly, on 19/08/2025, this Court passed no cross order against the accused.

6. Now, the accused is ready to cross-examine the complainant. It is pertinent to note that the cross examination is a valuable right of the accused. In the instant case, the cross-examination of the complainant is necessary to test his veracity. Further, it also essential to make out the defence of the accused and to rebut the presumptions available in the favour of complainant. It is admitted fact that, the present matter was for statement of the accused. However, the cross-examination can be set aside at any stage before pronouncing judgment. In such circumstances, if application is rejected, the accused shall be deprived of his valuable right. On the contrary, if the application is allowed, no prejudice will be caused to the complainant. However, considering the absence of the accused, it is appropriate to saddle the appropriate costs on him. Hence, in view of the above findings, I pass following the order,

ORDER

1. The application is allowed subject to costs of Rs.1,000/- (Rs.One Thousand only) payable to the complainant.
2. On payment of aforesaid costs amount, the order of no-cross dated 19/08/2025 is set aside and the accused is permitted to cross-examine the complainant.

3. The accused is directed to cross-examine the complainant on next date, without fail. The failing of same will be treated as rejection of the application.

Place :Wani
Date :30/06/2026.

(Shahaji D. Bhosale)
Judicial Magistrate (First Class),
Court No.1, Wani.

I, Abhay Pramod Bhoyar, Stenographer of (J.M.F.C. Wani,) affirm that, the contents of this PDF are same words for words, as per the original order.