

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 79 OF 2022

SANJAY BALMUKUND SHARMA

VERSUS

TULJABHAWANI URBAN MULTI STATE CO-OP. CREDIT SOCIETY LTD.,
MAJALGAON THROUGH BALAJI VASANTRAO DALVE

...

Advocate for Petitioner : Mr. Kalani Pravin N.

Advocate for Respondents : Mr. Jogdand Patil Vijay B.

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CORAM : KISHORE C. SANT, J.**DATE : 6th JANUARY 2023.****Per Court :**

1. This is a writ petition challenging the order dated 01.12.2021 passed by the learned Judicial Magistrate First Class, Parbhani in S.C.C. No. 2414/2017 forfeiting right of the accused to cross-examine the witness of the complainant. It is seen from the order that in spite of some chances, the witness for the complainant was not cross-examined and adjournment application was filed. The Court by order dated 18.02.2021 had allowed the application for adjournment subject to cost. However, the said cost was also not paid by the accused-petitioner.

2. Considering only thing that the petition is by husband and his right to defend is involved, this Court feels it proper to show indulgence. However at the same time, it is necessary to compensate the complainant/respondent for the delay that is caused because of the conduct of the accused. The impugned order is therefore, quashed and set aside. The application below Exhibit-40 in S.C.C. No. 2414/2017 pending before the Court of learned JMFC, Parbhani is allowed subject to payment of cost of Rs.5000/- by the accused to be paid to the complainant in the trial Court within a period of four weeks from today.

3. With this, the Writ Petition is disposed off.

[KISHORE C. SANT, J.]

Najeeb.