



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

902 CRIMINAL WRIT PETITION NO. 1557 OF 2025

MADHUKAR KONDIBA KALE

....Petitioner

VERSUS

**DEOGIRI NAGARI SAHAKARI PATSANSTHA LTD AURANGABAD THR
AUTHORIZED OFFICER MANOJ JAGANNATH PASARE**

.....Respondents

None for the parties.

CORAM : ABHAY J. MANTRI, J.

DATE : 18th DECEMBER, 2025

PER COURT :

1. When called, none appeared for the petitioner. Perused the record.

2. It appears that on 26-09-2025, the petitioner filed this petition. Since then, he has not circulated the same. On 17-12-2025, the matter was listed before this court. It was called twice in both sessions. However, no one appeared; therefore, the matter was kept today for passing the order, with the specific observation that “*no further time will be granted. If the petitioner fails to work out the matter, it will be decided on its own merits*”. Despite the foregoing facts, no one has appeared on behalf of the petitioner. It seems that the petitioner is not interested in prosecuting the matter and

attempted to protract the proceedings before the learned trial court by filing the present petition.

3. I have gone through the impugned order and record.

4. By this petition, the petitioner is challenging the order dated 20-09-2023 passed below Exh. 80 & 81 in SCC No. 4060/2013 by the learned Judicial Magistrate First Class, Chh. Sambhajinagar (for short, the '*learned Magistrate*') and confirmed by the learned Additional Sessions Judge, Aurangabad, in Criminal Revision No. 255/2023 by order dated 20-08-2025, whereby the application moved by the petitioner below Exh. 80 & 81 for recalling the complainant as per section 311 of the Cr. P. C. and permitting him to examine the witness were rejected.

5. At the outset, it appears that the accused cross-examined the complainant on 30-06-2023. Thereafter, the complainant closed his evidence on **19-07-2023**. The statement of the accused was recorded under section 313 of the Cr. P. C. on **03-08-2023**. After completion of the same on 16-08-2023, the petitioner moved an application, Exh. 80 and 81 for recalling the complainant for further cross-examination as well as issuing summons to the witnesses.

6. Similarly, his application for re-calling the complainant was rejected on **20-09-2023** by passing the detailed order. Likewise, the application Exh. 81 was rejected, in view of the rejection order

below Exh. 80.

7. Feeling aggrieved by the same, the petitioner has preferred the criminal revision application before the learned Sessions Court. The learned Sessions Court, by order dated 20-08-2025, dismissed the revision. Aggrieved thereby, the petitioner preferred this criminal writ petition on 26-09-2025.

8. It further appears that the petitioner filed a complaint in 2013, and since then, it has been pending. It is to be noted that, as per the mandate in *section 143(3)*, every trial under this section shall be conducted as expeditiously as possible, and *an endeavour shall be made to conclude the trial within six months* from the date of filing of the complaint. Upon perusal of the record, it appears that in 2013 the respondent-complainant filed the complaint, which has remained pending to date. It further appears that the respondent, with a view to protracting the proceedings, after recording the statement under section 313, moved this application. Therefore, the intention of the petitioner can be gathered from his conduct.

9. Apart from that, it appears that by filing this petition, the petitioner tried to protract the proceeding before the learned Magistrate instead of proceeding with it.

10. Perused the impugned order passed below Exh. 80 by the learned Magistrate. The learned Magistrate, in paragraphs 6 and 7,

has categorically recorded the reason why the petitioner was not entitled to the relief as claimed. Therefore, the application was rejected. Similarly, the learned Additional Sessions Judge, in paragraphs 13 to 15, recorded the reasons and dismissed the revision application. The learned Additional Sessions Judge has categorically observed that the accused, i.e., the petitioner, had not denied the legal debt and that his signature was on the cheque and promissory note. Therefore, there is no purpose in recalling the complainant repeatedly for further cross-examination, and the application was rejected. Thus, considering the above findings and reasons recorded by the learned Magistrate as well as the learned Sessions Judge, I do not find any illegality or perversity in the said orders to interfere in writ jurisdiction.

11. As a result, the petition being devoid of merit stands dismissed.

12. Inform the learned Magistrate accordingly.

13. Needless to clarify that the learned Magistrate shall decide the matter as expeditiously as possible, preferably within a period of three months from the date of receipt of the copy of this order.

[ABHAY J. MANTRI, J.]