

CNR MHWR030003152002

ORDER BELOW EXH. 247

1. Perused the application and say filed on it.
2. Heard both the Ld. counsels.
3. Present application is filed by the accused for grant of adjournment on the ground that, near about 20 or more cases are pending against the accused: One of it is bearing R.C.C. no 573/2002 is pending before the Court of Hon'ble Chief Judicial Magistrate, Wardha: The accused wants to get the present matter in hand in this Court transferred to the Court of Hon'ble Chief Judicial Magistrate, Wardha, on the ground that, entire documents are before that Court: and the accused is ready to file transfer petition, therefore, he needs time to do so.
4. The complainant opposed this application and submitted that, it is a tactic to prolong the matter. The accused is contesting it since beginning. He has cancelled N.B.W. in the present matter also. The complainant has filed his examination-in-chief and required documents on the record in the year 2012 itself. The accused has not received the same till last date and now without any cogent reason praying for adjournment. Hence, prayed for rejection of the application.

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5. Perused the record. This is summary case filed under section 138 of the N.I. Act. It is pending since the year 2002. The matter which is pending before the Court of Hon'ble Chief Judicial Magistrate, Wardha is pending since 2002 itself, in that Court. The accused has marked his presence before this Court in present matter. The trial commenced in the year 2012. Not only that the accused is regularly attending the matter before the Court of Hon'ble Chief Judicial Magistrate, Wardha. As per his own submission it reflects that, the accused has due knowledge of both the matters since the beginning of its registration i.e. 2002. Since that period till today i.e. in the span of 23 years, the accused never bothered to get this matter transferred before either of one forum.

6. The trial of this matter has commenced in the year 2012. The examination-in-chief of the complainant is recorded last date on 18/12/2025. During this period neither the accused nor his Ld. counsel bothered to proceed with any sort of transfer petition. Not only that they have not even bothered to receive the copies of documents filed on the record. Now only because examination-in-chief of the complainant in the present matter is recorded, the present application is appears to be filed. Further, in spite of proceeding with the matter and do cross-examination, the Ld. counsel for the accused submitted that, that they are ready to file transfer petition and on that ground they are seeking the adjournment. It is specifically noted that,

this Court is not dealing with any sort of willingness of any of the parties of the case. The accused is very much aware about his rights since the year 2002 i.e. within the period of 23 years. In spite of it, he was sleeping over his rights.

7. It is the settled principle of law that, "Law helps the vigilant not the diligent". It reflects that, only because of examination-in-chief is conducted in the present matter on last date, the accused got aware of his rights and reflected his willingness to transfer the case, which is not at all criteria of adjourning 23 year's old summary matter before this Court. Further, it is specifically directed to the accused this matter is not going to conduct on will of the accused. The witness is present before this Court since morning. The accused is represented by Ld. counsel. In spite of due knowledge of facts circumstances of the case, the Ld. counsel of the accused submitted that, he is not going to conduct the cross-examination of the witness. Therefore, this Court is opinion that, present application does not deserve to be allowed. Hence, following order -

ORDER

- 1) The application stands rejected.
- 2) No cross-examination order is hereby passed on the corresponding Exh. 98.
- 3) The complainant is hereby directed to proceed further.

- 4) Both the Ld. counsels are present while dictation of order, it is hereby considered as noted by both of them.

Wardha.

Date : 22/12/2025

(Smt. M. R. Chavan (Hiwarale))
Judicial Magistrate First Class,
(Court no. 2), Wardha.

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Certified that PDF copy of Order supra is word-to-word identical to the original Order.

(I.K.Khan)
Stenographer Grade-II