

06-11-2025

ORDERS ON APPLICATION UNDER SECTION 311
OF CR. PC

The Senior Assistant Public Prosecutor has filed present application under Section 311 of Cr. PC seeking an order for summon the CW1 to CW5 on the ground that they are the material witnesses to the case and their evidence is very much essential to prove the case, no harm will be caused to the accused, if the said witnesses are summoned for evidence, the offence is serious one, the said witnesses were not resided in the address given in the charge sheet which prevented to examine them on time by the prosecution.

Defense counsel has filed objection contending that summons, warrants and proclamation warrants issued against those witnesses but they have not turned up and hence, those witnesses dropped from the charge sheet, that order passed by the court attained finality and the order is not revisable, witnesses purposefully not appear before the court when the process was issued against them, the witnesses were present before the court without any intimation or summons on the last year hearing date.

Say of the defense counsel would indicate that the witnesses were present before the court on the last year

hearing date. Sr. APP has made submission that said witnesses were not resided in the address given in the charge sheet which prevented to examine them on time by the prosecution. It presupposes that CW1 to 5 are willing to give evidence before the court. Section 311 of Cr. PC empowers the court to summon any person as a witness if his evidence appears to it to be essential to the just decision of the case. CW1 to 5 are said to be material witnesses to the case. CW1 is the complainant, CW2 and 3 are panchanama witnesses, CW4 and 5 are the Marketing Incharge of the Vijaya James and Jewellery, Gandhinagar, Bengaluru gave police statements in tune to the complainant version. As such, the application is liable to be allowed. In view of the above, I pass the following:

:O R D E R:

**Application filed by the Senior Assistant Public
Prosecution under Section 311 of Cr. PC is allowed.**

**Accused is absent, EP filed, perused and allowed.
Issue summons to CW.1 to 5 by : 16-12-2025**

IV ACJM, BENGALURU.