

ORDERS ON SEC.311 CRPC APPLICATION

Advocate appearing for the accused filed the instant application seeking an order for recall the PW1 and PW2 for the purpose of cross examination on the ground that some points must be extracted from the mouth of this witnesses and if the application is not allowed it would multiplicity of proceedings.

Sr.APP has orally objected stating that under the facts and circumstances the application may be rejected.

PW1 partly tendered examination in chief on 11/3/2015. Further chief examination of the PW1 deferred on the very same day i.e. 11/3/2015. Court issued summons, warrants and proclamation warrant to secure the presence of PW1 until 13/1/2026. So the Court recorded that PW1 not tendered himself for further examination in chief before the Court. The matter is of

the year 2013. Examination in chief of the PW1 recorded on 11/3/2015. Court made all attempt to secure the presence of PW1 for further examination in chief till 2026. So, the application filed by the defence counsel at the belated stage for cross examination of PW1 must not sustain. Chief examination of the PW2 was recorded on 6/7/2015. The defence counsel cross examined the PW2 on 13/1/2020. The defence counsel now almost after 6 years come up with the application to secure the presence of the accused for cross examination of PW2. This is also an delayed attempt of asking the secure the presence of PW2 for further cross examination which cannot be entertained. ?Thus there is no merit in the application. Accordingly, I pass the following:

ORDER

An application filed u/s.311 of Cr.P.C., by the defence counsel is rejected.

Arguments on defence side
by

IV ACJM.,
Bengaluru.