



BEFORE THE HON'BLE JUDGE OF EXCLUSIVE SPECIAL COURT

THE III ADDL. SESSIONS JUDGE

The Exclusive Special Court constituted for offence
under Scheduled Castes & Scheduled Tribes
[Prevention of Atrocities] Act.

AT: BELAGAVI

DATED: 8th DAY OF DECEMBER 2025

BEFORE:

Ms. SAVITHA KUMARI. N. B.A.L., LL.B.,

In The Matter of Special Case Under S. C. & S. T. [PoA] Act
Special Case. No. 534 of 2019

BETWEEN

The State of Karnataka,
Represented by
The Station House Officer
Raibagh Police Station.

Complainant

AND

Shri. Malakari Kotre
& 5 Others.

Accused

I.A. No. I of 2025

BETWEEN

Shri. Malkari Kotre
& 5 Others.

Applicants

Accused No. 1

To Accused No. 6

AND

The State of Karnataka,
Represented by
The Station House Officer
Raibagh Police Station.

Opponent

Complainant

ORDER

On I.A. No. I of 2025

[APPLICATION UNDER SECTION 231[2] OF THE CODE OF CRIMINAL
PROCEDURE]

Spl Case No. 00534 of 2019
S.C. & S.T. [P.A.] ACT

Presiding Officer
III Addl. Sessions Judge.

[APPLICATION UNDER SECTION 348 OF THE BHARATIYA NAGARIKA
SURAKSHA SANHITA]

This is an application lodged by the accused under Section 231[2] of the Code of Criminal Procedure, seeking deferring of cross examination of PW-1 and CW-8 to CW-12 who are said to be the eye witnesses as contemplated under Section 231 of the Code.

2. The purpose of application is basically that cross-examination of a witness should not prompt the other witnesses from getting alert and altering the answers.

3. The said application is resisted by the prosecution orally, which ought to have been seriously contested otherwise. Probably the leverage of discretion resting with the court, the prosecution has remained dormant.

4. In this back drop the point that merits the consideration of this Hon'ble Court is that:-

Whether the Application lodged by accused persons under provision of Section 232[1] of the Code

deserves to be allowed ? And What should be the Order?

5. I have gone through the application and so also the reason mentioned therein and perused the charge sheet. Having heard both the sides the point for consideration is determined on the following reasons:-

REASONS

6. At the outset the applicant seeks deferring of cross-examination of 6 witnesses. In the event of allowing the sameL-

[i] All the witnesses cannot be cross-examined in one day.

[ii] The witnesses are bound to discuss the cross-examination of earlier witness.

[iii] That even if the version is different in the examination-in-chief in the cross-examination in the event of the witness bringing out incriminating material against the accused it cannot be discarded, however contradictory it may be in the examination in chief.

7. Therefore, I do not find any perceivable reason for considering the application lodged by the accused that is apparently to protract the proceedings, withdraw the memory of witnesses. Therefore, holding the point for consideration in the negative, I proceed to pass the following order:-

O R D E R

- I. The application lodged by the accused persons is hereby rejected

[Dictated to the Steno Grade I, directon on computer, corrected and printed and pronounced in open Court under Seal and Signature of this Court on this 8th day of December 2025]

SAVITHA KUMARI. N.
JUDGE EXCLUSIVE SPECIAL COURT.
THE III ADDL. SESSIONS JUDGE
The Exclusive Special Court constituted for offence
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