

KABG010083632022



**IN THE COURT OF PRL. DISTRICT AND SESSIONS JUDGE,
AT, BELAGAVI**

DATED THIS THE 29th DAY OF JULY 2026

PRESENT : SHRI MANJUNATH NAYAK
B.A.L. LL.B.
Prl. District & Sessions Judge
Belagavi.

S.C. No.216/2022

Complainant: State of Karnataka,
By Kakati Police Station,
Belagavi.
(By Public Prosecutor, Belagavi)

Vs.

Accused: 1. Satish Rajendra Patil
Age: 34 years,
R/o Goundwad, Tq: Bealgavi. - **Dead**

2. Vasant Ramachandra Patil
Age: 51 years,
R/o Goundwad, Tq: Belagavi.

3. Balu Ramachandra Patil
Age: 55 years,
R/o Goundwad, Tq: Belagavi.

4. Nandu Siddappa Nilajakar
Age: 35 years,
R/o Goundwad, Tq: Belagavi.

5. Anil Bhairu Patil
Age: 49 years,
R/o Goundwad, Tq: Belagavi.
6. Vinod Omani Pingat
Age: 34 years,
R/o Goundwad, Tq: Belagavi.
7. Madhu Jayappa Pawar
Age: 49 years,
R/o Goundwad, Tq: Belagavi.
8. Jyotiba Bhairu Patil
Age: 35 years,
R/o Goundwad, Tq: Belagavi.

(By Sri S. N. Pattar, Advocate)

PARTIES TO THE APPLICATION

**ACCUSED/
APPLICANTS :**

Vasant Ramachandra Patil
and six others

Vs.

**COMPLAINANT/
OPPONENT :**

State of Karnataka
Kakati Police Station

<i>i.</i>	Provision under which the application is filed	U/Section 231(2) of Cr.P.C.
<i>ii.</i>	Relief sought for	To permit them to cross examine CW1, 4, 6, 7 and 9 after their examination in chief
<i>iii.</i>	The date on which the application is filed	24.02.2026
<i>iv.</i>	Number of the application	-

v.	The date on which the objections are filed by different opponent/ State	21.07.2026
vi.	The date on which the orders was passed on the said application	29.07.2026

ORDERS

This application is filed by the accused No.2 to 8 under Section 231(2) of Code of Criminal Procedure (in short 'Cr.P.C.') to permit them to cross examine CW1, 4, 6, 7 and 9 after completion of their examination in chief.

2. According to the accused, CW1, 4, 6, 7 and 9 are the material witnesses. In order to set defence, it is necessary to complete the examination in chief of all those witnesses, before commencing their cross-examination. Therefore, cross examination of those witnesses has to be deferred till conclusion of the examination of chief of CW1, 4, 6, 7 and 9. If the application is allowed, no hardship will be caused, whereas, the accused will be put to loss and hardship, if this application is not allowed. On all these grounds, accused prayed to permit them to cross examine CW1, 4, 6, 7 and 9 after completion of their examination in chief.

3. The prosecution filed objections to this application and contended that there are no grounds for permitting the accused to defer the cross examination of those witnesses. The application is not maintainable and there is no merits in the application. On these grounds, prosecution prayed for dismissal of the application.

4. I have heard the arguments of both the parties.

5. The point that arises for my consideration is:

“Whether the accused No.2 to 8 have made out any grounds for permitting them to cross examine CW1, 4, 6, 7 and 9 after completion of their examination in chief?”

6. My answer for the above point is **in the Negative**, because of my below discussed reasons:

REASONS

7. Kakati police have filed charge sheet against the accused persons by alleging that they have committed the offence punishable under Sections 143, 147, 148, 323, 324, 307, 427, 435, 447, 448, 504 read with Section 149 of IPC. It is alleged in the charge sheet that, there is dispute between the complainant and the accused in respect of 1 acre 26 guntas of land in R.S. No.78 of Goundwad village, which belonged to Sri

Kalabhairav and Sri Kalmeshwar Temple. In this regard, on 06.06.2021 at about 6.00 p.m. these accused have quarreled with the complainant and his family members, abused them with filthy language, assaulted them with stone and club and thereafter, went near their house and flour mill, damaged the same and also damaged their vehicle and household articles.

8. After committal of this case, accused appeared before this Court and pleaded not guilty of the charges leveled against them. This Court summoned the prosecution witnesses, out of which, CW1 was examined as PW1 and got marked Ex.P1 to 10 documents and MO1 to 65 material objects. When the case is posted for cross examination of PW1, the accused filed the present application to permit them to cross examine CW1, 4, 6, 7 and 9, after all of them were examined in chief. According to the accused, all those witnesses are material witnesses and before examination of other witnesses, if any of these witnesses were cross examined, their defence will be disclosed.

9. Section 231(2) of Cr.P.C. empowers this Court to permit the cross examination of any witnesses to be deferred until other witness or witnesses have been examined. Permitting such a procedure under

Section 231(2) of Cr.P.C. is purely a judicial discretion of the Court. The accused cannot claim that they have got right to insist for cross examine witnesses, only after all those witnesses were examined in chief. The discretion in this regard has to be exercised by this Court judiciously, considering the facts and circumstances of the case.

10. According to the accused, if the complainant or other witnesses were cross examined before the examination of other witnesses, their defence will be disclosed and thereby there is possibility of prosecution witnesses improving during the course of their cross examination. I am not in agreement this argument for the accused. This Court is taking up the case and trial on day to day basis. For the convenience of the accused, prosecution may be directed to examine the complainant and eyewitnesses continuously and on day to day basis, so that the accused will not be prejudiced with apprehension of disclosure of the defence. However, the question of permitting cross examination of all these witnesses after recording their examination in chief will not arise. In the case on hand, there is a counter case in between the same parties, in which the trial and recording of evidence is already commenced. The accused have not made out any strong grounds to

exercise discretion in their favour as provided under Section 231(2) of Cr.P.C. Therefore, by answering the above point **in the Negative**, I proceed to pass the following:

ORDER

**The application filed by the
accused No.2 to 8 under Section 231(2) of
Cr.P.C. is rejected.**

(Dictated to the Stenographer Grade-III, after transcription, computerized and print out taken by her, corrected, signed and then pronounced by me in the Open Court, on this **29th day of July 2026**)

**(Manjunath Nayak),
Prl. District & Sessions Judge,
Belagavi.**