

IN THE COURT OF PRL. CIVIL JUDGE AND JMFC, ANEKAL.

PRESENT: Sri. Shankarareddy.D.V., L.L.B., PGD in IR & PM.,
Prl. Civil Judge and JMFC, Anekal.

Dated: This the 17th day of March 2026

CC.No.7747/2021

Complainant : Sri. Chandra Reddy,

V/s.

Accused : Murali.S

*_*_*

ORDERS

The present application filed by learned accused counsel U/s.311 of Cr.P.C praying to recall PW-1 for cross-examination on behalf of accused side.

2. In the present application accused counsel stated that when matter stood for cross-examination of PW-1, accused was not able to give instructions to him. Therefore, he could not have cross-examined PW-1 on the day when matter stood for cross-examination and on that day cross-examination of PW1 taken as nil by this court. With this ground, accused counsel prayed to recall PW1 for cross-examination on behalf of accused side.

3. The present application opposed by the complainant counsel by filing lengthy objection, wherein it is contended that on 31-03-2023 matter set down for cross-examination of PW-1. Since

then, one or other reason accused/accused counsel sought time for cross-examination of PW-1 and this court also accorded many opportunities to the accused/accused counsel for cross-examination of PW-1. But, accused/accused counsel failed for cross-examination of PW-1. It is further contended that similar kind of applications already filed twice by the accused counsel and same were allowed subject to cost. In spite of that the accused failed for cross-examination of PW-1. Therefore, cross-examination of PW-1 taken as nil and matter set down for evidence of accused side by this court. But, accused also not adduced defence evidence and accused also not addressed his side argument though sufficient time accorded. Therefore, defence evidence and argument if any on behalf of accused side taken as nil and matter set down for judgment on 07-01-2025. Later on, the accused with an intention to prolong the proceedings the present application filed. Further contends that from last 3 years the accused dragged the matter one or other reasons and not allowed the court for disposal of the matter on merit. With these grounds, complainant contends that accused has not made out any valid grounds to allow the present application. Accordingly, prayed to dismiss the present application.

4. Having heard both side and on perusal of material

available on record, the following points arise for consideration;

1. Whether the accused has made out valid grounds to allow the present application?

2. What order?

5. On appreciation of material available on record, the above points are answered as under:-

Point No.1:- In the Negative,

Point No.2:- As per the final order

for the following:-

REASONS

6. Point No.1:- The complainant has filed the complaint U/s.200 of Cr.P.C against the accused for the offence punishable U/s.138 of NI Act. Subsequently, accused appeared before the court and enlarged on bail. Thereafter, substance of acquisition as required U/s.251 of Cr.P.C prepared and explained the same to the accused, to which accused pleaded no guilty. Subsequently, on 31-03-2023 matter set down for cross-examination of PW-1 by considering the sworn statement of complainant and documents produced by him. From 31-03-2023 in what manner the accused dragged the proceedings is set out hereunder:

Sl. No.	Date	Description
1	31-03-2023	Accused counsel sought time for cross-examination of PW-1, time granted.
2	22-09-2023	Accused counsel sought time for cross-examination of PW-1, time granted.
3	01-12-2023	Accused counsel sought time for cross-examination of PW-1, time granted.
4	08-12-2023	Accused counsel sought time for cross-examination of PW-1 on the ground of there is possibility of settlement, time granted.
5	01-04-2024	Accused counsel sought time for cross-examination of PW-1 on the ground of there is possibility of settlement, time granted.
6	22-03-2024	Accused counsel sought time for cross-examination of PW-1 on the ground of there is possibility of settlement, time granted.
7	28-05-2024	Accused counsel sought time for cross-examination of PW-1, time granted.
8	09-08-2024	Accused counsel sought time for cross-examination of PW-1, time granted.
9	09-09-2024	Accused counsel sought time for cross-examination of PW-1, time granted on cost of Rs.100/-
10	07-10-2024	Accused counsel sought time for cross-examination of PW-1, time granted on cost of Rs.500/-
11	27-11-2024	Accused counsel sought time for cross-examination of PW-1, but prayer of accused counsel rejected and matter set down for defence evidence.
12	17-12-2024	Accused counsel sought time for defence evidence, time granted.
13	23-01-2025	Accused counsel sought time for defence evidence, time granted on cost of Rs.500/-.
14	12-12-2025	Accused counsel sought time for defence evidence, time granted on cost of Rs.200/-.

15	12-03-2025	Accused counsel sought time for defence evidence, time granted on cost of Rs.300/-.
16	05-04-2025	Accused counsel sought time for defence evidence, time granted on cost of Rs.200/-.
17	02-05-2025	Accused counsel prays time for defence evidence, but prayer of accused counsel rejected and defence evidence taken as nil and matter set down for arguments and heard arguments by complainant counsel and matter set down for accused side arguments.
18	14-05-2025	Accused counsel filed application U/s.311 of Cr.P.C and same came to be allowed on cost of Rs.1,000/-. Accordingly, PW-1 recalled and accused is permitted for cross-examination of PW-1.
19	02-06-2025	Again accused counsel sought time for cross-examination of PW-1, time granted.
20	18-06-2025	Again accused counsel sought time for cross-examination of PW-1, prayer of accused counsel rejected and matter set down for arguments on behalf of accused side.
21	25-06-2025	Again accused counsel filed application U/s.311 of Cr.P.C and same came to be allowed on cost of Rs.500/-. Accordingly, PW-1 recalled for cross-examination by accused side.
22	30-10-2025	Accused counsel again sought time for cross-examination of PW-1 on the ground that accused will settle the dispute amicably by way of compromise, time granted.
23	10-12-2025	Accused counsel against sought time for cross-examination of PW-1, but his prayer rejected and matter set down for original stage of judgment on 11-12-2025.
24	11-12-2025	Accused counsel filed the present application praying to recall the PW-1 for cross-examination on behalf of accused side.

The above described sequences are clearly go to show that one or other reason accused dragged the matter from last three years for cross-examination of PW-1, defence evidence and arguments.

Further, in **Swapan Kumar Chatterjee vs Central Bureau Of Investigation - (2019) 14 SCC 328** - The Hon'ble Apex court observed that **court should not encourage the filing of successive applications for recall of a witness U/s.311 of Cr.P.C.**

In the case on hand, as pointed above the accused has filed similar applications twice and same were allowed. Later on, accused failed for cross-examination of PW1, adduce defence evidence and arguments. Furthermore, the above said sequences are clearly go show that accused has not interested to prosecute the matter; rather his interest is only to drag the proceedings. In the circumstance, if present application is allowed, *then very object of legislature as the matters pertaining to present nature to be disposed within six months cannot be achieved at all and the accused like herein shall taught as they can utilize court as per their whims and fancies.* Therefore, this court opines that in view of aforesaid dictum of Hon'ble Supreme Court and for circumstances described herein above, the present application is meritless and same is liable to be dismissed and matter should be set down to original stage of Judgment. In the result, point No.1 answered as negative.

7. Point No.2 – For the reasons assigned herein above, this court proceeds to pass the following;

ORDER

Present application filed by the accused U/s.311 of Cr.P.C is hereby dismissed.

**Prl. Civil Judge & JMFC,
Anekal**