

ORDERS ON Application U/s.311 of Cr.P.C.

The counsel for accused has filed this application under section 311 of Cr.P.C seeking for recall of PW.3 for the purpose of cross-examination.

2. In the application it is stated that last date of hearing accused counsel was not feeling well and he was suffering from viral fever. Due to his ill health he could not attend the court. Hence, Cross-Examination of PW.3 was taken as nil. The cross examination of above witness is very much necessary to prove the defence in the above case. Hence counsel for accused has sought for recall of PW.3. Hence, this application.

3. The learned APP has filed his objections to the said application. In his objection it is submitted that the accused have not stated valid reasons for non cross examination of PW.3. It appears that the counsel for the accused has come up with this application with an intention to protract the proceedings. On these grounds

the learned A.P.P. has sought for dismissal of the application.

4. The accused herein has been charged for the offences punishable under sections 498A, 323, 506, 114 R/w 34 of I.P.C and 3 & 4 of DP Act. The counsel for the accused has filed this application to recall of PW.3, for the purpose of cross-examination. A perusal of the order sheet discloses that this court was taken cross examination of PW.3 as nil on 18.08.2022. However the defence counsel has filed the above application contending that cross-examination is P.W-3 is very much necessary to prove his defence. The Accused has not stated valid reason to allow this application. Though by considering the facts and circumstance of the case application is allowed. Therefore in order to give opportunity to the accused counsel and to avoid multiplicity of proceedings and in the interest of justice the above is to be considered. Accordingly, I proceed to pass the following:

ORDER

Application filed under section 311 of Cr.P.C by the accused is hereby allowed on cost of Rs.500/- shall be payable by the Accused to the witness.

PW.3 is hereby recalled for cross-examination, issue Summons to PW.3.

Call on 29.12.2022.

**II Addl. Civil Judge & JMFC,
Doddaballapura.**