

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 for seeking recall of P.W-6 to 8 for cross-examination.

2. In the application it is stated that counsel appearing for accused person was not feeling well and he has undergone surgery to his eye before Narayana Nethralaya, Rajaji Nagar, Bangalore. The absence of his counsel on 02.09.2023 was not intentional and they were instructed by their advocate to inform regarding his ill health and accordingly, the accused has stated that his counsel was not feeling well and sought for the time. If application is not allowed accused will be put to greater hardship, and further it may lead to multiplicity of proceedings. Hence, this application.

3. The learned APP has filed objections to the said application. In his objection it is submitted that the counsel for accused has not stated valid reasons for non cross examination of P.W-6 to 8. 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 323, 504, 506, 498(A), 114 R/w Sec. 34 of I.P.C and Sec. 3 and 4 of Dowry Prohibition Act. The counsel for the accused has filed this application to recall of P.W-6 to 8, for the purpose of cross-examination. A perusal of the order sheet discloses that on 02.09.2023 the counsel for accused is present and sought permission to cross examination of PW.6 to 8. The counsel for accused has not stated valid reasons for non cross-examination of PW.6 to 8. In the application he has stated that, he has undergone surgery to his eye before Narayana Nethralaya. The said document is not produced. The counsel of accused has not stated valid reasons to allow the application. The reasons stated in the applications are not acceptable and believable. Though by considering the facts and circumstance of the case application filed by the accused is liable to be 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 application is to be considered. Accordingly, I proceed to pass the following:

ORDER

Application filed under section 311 of Cr.P.C by the accused persons is hereby allowed on cost of Rs. 500/- each payable to PW.6 to 8.

P.W.6 to P.W-8 are hereby recalled for cross-examination, issue Witness Summons to P.W-6 to P.W-8 by 22.03.2024.

Sd-
**C/C II Addl., Civil Judge & JMFC.,
Doddaballapura.**