

**ORDER ON APPLICATION UNDER SECTION  
301(2) OF CR.P.C FILED BY COMPLAINANT**

1.           The complainant has filed the affidavit. In the affidavit it is stated that, she has filed the complaint against the accused persons. The complainant is seeking permission for her to permit the counsel by name Ravindra Kumar A Rathod, advocate to represent and assistance to the prosecution or Assistant Public Prosecutor on behalf of the complainant in this case. Hence the present application is filed. If the application is allowed no loss will be caused to other side. If the application is not allowed then the complainant will be put to irreparable and legal injury. On these allegations sought for allowing the application.

2.           On the other hand the learned APP has filed objections to the application by stating that, the

*application is not maintainable in law or facts. The application filed by the complainant is highly belated, after thought, to cause delay, injustice, inconvenience and to cause irreparable loss to the accused and the application is filed only to drag on the proceedings to give torture to the accused. There is no valid, bonafide reasonable grounds made in the affidavit to engage another advocate as mentioned in her affidavit to provide the assistance to the prosecution on behalf of her case. Further contended that, the application is devoid of merits and at this stage the complainant has not shown specific reason as to why the said advocate is engaged, for what purpose and why the complainant is not believing the APP appointed by the Govt. and as such there is no necessity to the complainant to engage the advocate to assist the APP to prosecute on behalf of complainant. The complainant is a court bird and she is very well aware of the court proceedings as there is number of cases pending before the court like some MC cases already disposed and the complainant has suppressed all the true material facts and there is no point of law showed in her case and as such the application filed is concocted. On these contentions sought for dismissal of the application.*

3. Heard on application for both the side.
4. The points that arise for my consideration is as follows:

**Point No.1: Whether the application filed by the complainant U/sec. 301(2) of Cr.P.C. deserves to be allowed ?**

**Point No.2: What order?**

5. My findings to the above points as under

**Point No.1: In the Affirmative**

**Point No.2: As per final order for the following**

**REASONS**

6. **Point No.1:** The complainant has filed the application seeking permission for her to permit her to represent the case by Sri Ravindra Kumar A Rathod, advocate and to give permission to provide assistance of the said advocate to the APP and as such sought for allowing the application. On the other hand the learned APP has filed objections denying the allegations made in the application and contended that he is the prosecutor appointed by Government and as such no valid reasons are assigned as to why she is in need of assistance of the advocate and as such the application is not sustainable in law and sought for dismissal of the application.

7. As the application is filed by the complainant, it is necessary to know as to whether the relief sought for in the application is maintainable or not. The complainant has sought permission to engage the advocate and to provide assistance of the said advocate to the APP. I have gone through the offences alleged against the accused and complaint averments. As the complainant wants to engage the service of advocate apart from APP, by giving permission no loss will be cause to any one and if the permission is not granted then injustice may be caused to the complainant because it is the wish of the complainant either to seek the service of independent advocate apart from the learned APP or to have the assistance of the said advocate with the learned APP because as per contention taken in the objections by the learned APP as there are other cases between the parties and as the advocate is having knowledge about the cases, under these circumstances in order to have fair trial and to have justice the relief sought for in the application is considered. Further giving permission to the complainant itself is not that the complainant succeeded in the case. The complainant has to prove her case as per law either from the advocate or through APP. Thus to have fair trial and in the interest of justice and equity, the

relief sought for in the application is consider and I answer this point No.1 in the **Affirmative**.

8. **Point No.2:** In view above discussion I proceed to pass the following:-

**ORDER**

**The application filed  
by the complainant U/s 301(2)  
of Cr.P.C is hereby allowed.**

**Call on 01.09.2023.**

**I A.S.C.J & JMFC.,  
Chitradurga.**