

Orders on Application filed U/S.311 of Cr.P.C.

Accused have filed this application to recall the order dated 12.6.2025. It is contested by the Special Public Prosecutor by filing his written objections. Now the following points would arise for my consideration:

- 1. Whether the accused have shown the sufficient cause in recalling the impugned order?*
- 2. What order?*

2. I have heard Sri NTR Advocate for accused and SPP for the State. Perused the case file. My finding on the above points are as under:-

Point No.1 : In the affirmative

Point No.2 : As per final order

for the following:-

R E A S O N S

3. **Point No.1** :- Case file shows that these accused No.1 and 2 are charge sheeted for the offence punishable U/S. 13(1)(e) r/w/s 13(2) of PC Act and right from the year-2016 i.e. from 6.10.2016 this court is struggling hard to dispose off this case on its merit, but the conduct of the accused shows something else. The order sheet shows that these accused were examined U/S.313 Cr.P.C. on 19.5.2025 and on the said day in reply to the Question No.34, both accused filed list of witnesses containing eleven witnesses. The same was accepted and as prayed by them, twenty days time was granted to them to file the affidavits of all their witnesses. Having taken enough time, on 12.6.2025 they filed affidavits of only four witnesses viz. witness No.5, 6, 9 and 10 and by filing one more list of witness, they sought to examine accused No.2 also. However they did not file affidavits of remaining witnesses as undertaken by them on 19.5.2025. Therefore their prayer was rejected and further time to file affidavits of rest of the witnesses was rejected.

4. Thereupon on 18.6.2025 they filed application in hand and seek to recall the said order. Throughout in the application they have not explained

what prevented them from filing the affidavits of other witnesses even after providing enough time as prayed by them. Simply they seek to recall that order without any justification.

5. Looking to the application and conduct of the accused, I do not find any reason to recall the order dated 12.6.2025, even then in order to see that matter is decided on its merits, I am inclined to grant them one more chance, so that they can file affidavits of rest of the witnesses, including that of accused No.2 as per the second list, but on cost, so as to dissuade them from committing similar such intentional delay. Hence I answer the point in hand in the affirmative.

6. **Point No.2:-** In the result, I proceed to pass the following:-

O R D E R

Application filed U/S.311 of Cr.P.C. filed on 18.6.2025 is allowed subject to payment of cost of Rs.5,000/- to the DLSA, Chitradurga and filing of affidavits of rest of witnesses and of themselves on or before **28.7.2025** and shall produce voucher or receipt for having made payment to the DLSA.

It is clarified that in the event of their failure to adhere to the above condition, benefit of this order will not be available to them.

Prl. District & Sessions Judge,
Chitradurga.