

## **ORDER ON APPLICATION**

The accused No.1 and 2 have filed application U/ Sec.311 R/W/S.91 of Cr.P.C. It is contested by the Spl. Public Prosecutor by filing his written objections.

2. I have heard the arguments of Sri NTR advocate for the accused No.1 and 2 and learned Public Prosecutor for the State. Perused the file.

3. Now the following points would arise for my consideration:

*1. Whether the accused have made out grounds for their further examination-in-chief by producing additional documents?*

*2. What Order?*

4. On going through the case file and submission of both side, my findings to the above points are as under:-

Point No.1 – In the affirmative

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

## **REASONS**

5. **Point No.1**:- The case file shows that these two accused have been alleged with commission of offence punishable U/Sec.13(1)(e) R/W/S.13(2) of PC Act. As evidenced by the order sheet, right from the

year 2016, these two accused are successful in keeping alive this case by using all their brain, I am making this observation by referring to the order sheet proceedings dated 20.06.2022, when they filed application U/Sec.311 of Cr.P.C. seeking to recall PW.26 for cross exam and they continued their habit of doing so by filing one more such application and it came to be allowed on 03.07.2025 by imposing cost on them and they were permitted to file affidavit of additional witnesses on their behalf and again when they made use of Sec.311 of Cr.P.C. as a weapon seeking to recall order dated 12.06.2025, the same was allowed vide order dated 10.09.2025 by imposing cost of Rs.20,000/- but their efforts to dodge the proceedings went unabated with filing of one more such application and it was allowed on 15.10.2025 with cost.

6. Since previously when their similar application was rejected by this court by carrying the matter to Hon'ble High Court in Crl.P.No.1079/2024, when they made the proceedings to stall, realizing their hidden agenda, this court went on allowing their applications so that this matter can be expedited and disposed of at the earliest and in terms of direction of Hon'ble Supreme Court to take up and dispose of the matters of more than seven year old.

7. May be bit disturbed for the reason that their matter is continuously taken up, they are in the habit of filing application U/Sec.311 of Cr.P.C. one after the other and on one or the other ground just to see that they can eat away the time as much as possible by abusing the said provision. Though an opportunity was granted to them to produce all the documents and also to adduce their evidence, at every stage of proceeding, they are making their best efforts to come in the way of the progress of the case.

8. Through the application in hand by contending that documents were with their counsel who defended them in another case before another forum and he did not handover them at right time etc., now they seek to condone the delay in producing the documents and seek to examine them further. Knowing fully well what exactly they are intending to do, if the order goes against them, though there is no merit in their prayer to recall them for further chief and permit them to produce additional documents at this highly belated stage, as explained above to avoid any more delay in disposal of this case, I am inclined to allow it, but on cost. While imposing the cost also, I have taken cognizance of the costs imposed previously and their tendency to file the applications one after the other with some lame excuses, so with this I answer point in hand in the affirmative.

9. Point No.2:- In view of my above findings, I proceed to pass following:

**ORDER**

Application filed U/Sec.311 R/W/S.91 of Cr.P.C. filed by accused No.1 and 2 is allowed and they are permitted to adduce their further chief by further permitting them to produce additional documents as per list dated 17.02.2026, but on cost of **Rs.20,000/- each** payable to the DLSA, Chitradurga.

Accused shall proceed with their further chief without seeking unnecessary time and they shall deposit the cost with DLSA and report the same on the next date without seeking any lame excuse and admissibility of their further chief and additional documents shall be subject to payment of cost.

Prl. District & Sessions Judge,  
Chitradurga.