

Orders on Application under
Section 311 of Cr.P.C.

The accused has filed an application under Section 311 of Cr.P.C and prays to reopen the case for the purpose of cross of PW.1.

2. Per contra the learned APP has filed objection and submits that, the accused has not assigned sufficient reasons for re-open the case for the purpose of cross examination of PW.1 and sufficient opportunity has been granted hence prays to reject the said application.

3. Heard on both side.

4. It is the contention of the accused that, the counsel appearing for the accused is held at another court and not possible to cross examine the PW.1 and if application is rejected he will be put to greatest hardship and loss.

5. The learned APP contended that, the accused has not assigned sufficient reasons for

re-open the case for the purpose of cross examination of PW.1.

6. Admittedly it is trial court. Though being a trial court it is just and necessary to give opportunity to the accused to disprove the prosecution case. Hence, considering the facts and circumstances of the case, it is just and necessary to reopen the case for the purpose of defense evidence. However, matter is from the year of 2021. Hence, I proceed to pass the following:

ORDER

Application filed by the accused under Section 311 of Cr.P.C. is hereby allowed with cost. The accused shall pay Rs. 200/- .

Issue summons to PW.1. Call on

Sr. Civil Judge & JMFC
Hiriyur.