



**IN THE COURT OF SENIOR CIVIL JUDGE AND JMFC
N.R.PURA**

CC No. 164/2025

Complainant

N.R.Police

Accused

V/s

Jeorje M.A.
S/o Anthoni,
Aged about 48 years,
Residing at Bypass Road,
Menasuru village, N.R.Pura
Taluk

ORDERS ON APPLICATION U/SEC., 265 (3) OF B.N.S.S

1. The Accused counsel filed this application U/Sec., 265(3) of B.N.S.S. Act to permit in to cross examined the PW1 after completion of the evidence of CW2 and CW3 because the CW2 and CW3 are the eye witnesses and with accused disclose is defence in the cross examination of PW1 it will certainly effect his defence. Hence he prays to cross examination of PW1 is deferred till completion of evidence of CW2 and CW3.

2. Learned App filed objection to the said application contended that the application filed by the accused is not maintainable either is law or facts. Further already the chief of PW1 is completed, the CW2 and CW3 are studying at Harihara and they are residing separate places so that reason they are unable to come on One day to tender for cross examination. Hence he prays to reject the said application.



3. Heard the arguments on both sides.
4. On careful perusal of the record the following points would arise for my consideration.
 1. Whether application filed by the Accused U/Sec., 265(3) of B.N.S.S. Act. deserve to be allowed?
 2. What Order?
5. My Answer to above said point as under
 1. In the Affirmative.
 2. As per final order for a following

REASONS

6. Point No. 1. The prosecution filed a final report against the accused for the offence punishable U/Sec., 85, 115(2), 118(1), 118(2) and 352 of B.N.S. Further now the matter posted for cross examination of PW1 at the stage the present application is filed by the accused counsel to defer the cross examination of PW1 until to record the evidence of CW2 and CW3.

7. On perusal of the record the CW1 is the wife of Accused and CW2 and CW3 are children's of Accused and CW1. Further the CW2 and CW3 are eye witness to the incident, with accused cross examine the PW1 the defence of the accused is disclosed and it will effect to the defence of accused, until the recording of evidence of CW2 and CW3 to defer the cross examination of PW1 and the accused shall cross examined the CW1 to CW3 at a single stretch it will appropriate to the both the parties. Hence the reasons stated



in the application is satisfied. Hence, for above said reason my answer to Point No. 1. In the affirmative.

8. Point No. 2. In view of answer given to Point No. 1, I Pass the following:

ORDER

Application filed by the accused counsel U/Sec., 265(3) of B.N.S.S. is hereby allowed.

The cross examination of PW1 is deferred till the record of evidence of CW2 and CW3. Further the accused counsel shall cross examined the PW1 to PW3 on the same date.

Issue summons to the CW2 and CW3. R/by: 18.08.2026.

Sd/-
(Raghunatha Gowda K.T)
Senior Civil Judge and J.M.F.C
N.R.Pura