

COMMON ORDERS ON TWO APPLICATIONS DATED 20-07-2024 FILED BY THE COMPLAINANT UNDER SECTION 254 OF Cr.P.C

1. The two applications on hand are filed by the Complainant with the prayers to permit PW-1 to lead further chief-examination and to cause production of six documents filed under a separate list.
2. In the applications, it is ventilated that the case now stands posted for cross-examination of PW-1; he intends to produce certain documents; there is no intentional delay in filing the applications; no hardship would be caused to the Accused if he is permitted to produce the documents and permitted to lead further chief-examination; the documents are relevant to the facts of the case and are very much necessary to establish his case. Hence, the prayer is to allow the application.
3. Resting the applications, the Accused has filed common objections with the contention that the applications are not maintainable either under law or on facts; the application which was brought earlier by Complainant seeking amendment of complaint came to rejected and present applications are filed

with an intention to fill up the lacuna in the case of the Complainant; the PW-1 has remained continuously absent without tendering himself for cross-examination but has now come up with the instant applications; the applications are bad as per Section 204 as well as Section 254 of Cr.P.C; the documents would alter and go inconsistent with the cause of action of the complaint; no sufficient grounds are made out to allow the application; the Accused needs to be suitable compensated for the delay and inconvenience caused. Hence, the prayer is to reject the application with heavy costs.

4. Heard both sides.

5. Having heard both sides and on perusal of the materials, the sole point that would arise for my consideration is -

“Whether the Complainant has made out sufficient grounds to allow the two applications filed by him under Section 254 of Cr.P.C?”

6. My answer to it would be in the ***Affirmative*** for the following reasons -

7. The present two applications have been filed when the case stood posted for cross-examination of PW-1.

8. The applications are filed to permit the Complainant/PW-1 to lead further chief-examination and to cause production of certain documents.
9. Since the case is still at the initial stage, the Complainant has to be given with a reasonable opportunity to prove his case. The documents now sought to be produced are certified copies of documents and appear to be relevant to the facts of this case. It is pertinent to note that the cross-examination of PW-1 has not yet commenced and the Accused would be very well within his right to lay challenge to the documents during the cross-examination and hence, no serious prejudice is seen to be caused to the Accused if the applications are allowed. Hence, I am of the opinion that, an opportunity has given to the complainant for adducing further chief-examination and get the intended documents marked. Ofcourse, there is some delay in production of the documents but mere technicalities of law should not become stumble stones in rendering justice. The delay caused by the Complainant shall be suitably compensated in terms of cost. The objections filed by the Accused appears to be unnecessarily exaggerated raising grounds which are irrelevant to consider applications

on hand. Hence, in the touchstone of reasons stated above, without pondering much, I answer the sole point which has arisen for my consideration in the ***Affirmative*** and proceed to pass the following -

ORDER

Applications filed by the Complainant dated 20.07.2024 both filed under Section 254 of Cr.P.C hereby stands allowed on cost of Rs.100/- each.

Documents (6 No's) filed along with the applications are taken on record.

PW-1 is permitted to lead further chief-examination.

For further chief-examination of PW-1.

Call on : 03.08.2024.

Sd/-

CJ & JMFC: Sringeri