

Case called out.
Accused absent.
EP filed.

**ORDERS PASSED ON THE APPLICATION FILED BY THE
ACCUSED UNDER SECTION 254(3) OF BNSS**

This application filed by the counsel for the accused and submits that CW-1 and CW-8 to 14 are the eye witnesses to the present case and the defense urged by the accused against those witnesses is common defense, as such it is essential to cross examine CW-1 and 8 to 14 at once in order to prove the defesese of the accused otherwise it will prejudice the case of the accused and

the very purpose of cross examine the prosecution witnesses will be effected. Further stated that if the application is allowed no harm or injustice is going to be caused to the prosecution but on the contrary if the application is rejected accused would be put to great hardship hence prays to allow the application.

2. Learned APP filed objections to the application and stated that CW-1 is the complainant and CW-8 to 14 are the eye witnesses to accident further stated that the eye witnesses to the incident are the residence of Raichur and used to do coolie for their livelihood, as such if the said witnesses called for to give evidence again and again, it would cause hardship to them and also financial loss. Further stated that the application filed by the accused is devoid of merits and no satisfactory grounds has been made out to allow the application. Further stated that if the application filed by the accused is with an intention to protract the proceedings of this case as such the same is not maintainable. By contenting all these grounds learned APP prays to dismiss the application filed by the accused on

compensatory cost.

3. Perused the application, objections and other material particulars available on record. Below mentioned points arisen for my consideration.

P O I N T S

1. Whether the accused made out grounds to consider the Application filed under Section 254(3) of BNSS and grant the relief as prayed for?

2. What order?

4. Heard learned APP for the prosecution and learned Counsel for the accused. On considering the material particulars available on record, my findings to the above said points are as under:

Point No.1: In the affirmative

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

REASONS

5. **Point No.1:** It is the argument addressed by the counsel for the accused that the defense of the accused side is

common towards all the eye witnesses and complainant as such it is essential to permit them to cross examine all the witnesses ie., CW-1 and CW-8 to 14 together at once as such it would not going to dilute the defense to be taken by the accused in this case and if the eye witnesses cross examined one by one in different dates of hearing, it would cause hardship to the accused in disproving the case of the prosecution and to prove the innocence of the accused since the other witnesses who were not examined get knowledge and information regarding the defense which would taken by the accused in support of their case. Hence prays to allow the IA.

6. Learned APP submitted their arguments that if permission is accorded to the accused to cross examine CW-1 and CW-8 to 14 together in one day, it would cause hardship to the witnesses to present before the court on same day since they were residence of Raichur and coolie workers from occupation. Hence prays to dismiss the IA.

7. Sec.254(3) of BNSS states that the Judge may, in his discretion, permit the cross examination of any witness to

be deferred until any other witness or witnesses have been examined or recall any witness for further cross examination.

8. On perusal of the application and objections filed by the learned APP and also the material particulars available on record, it clarifies that CW-1 is the complainant and CW-8 to 14 are the eye witnesses to the accident. If the CW-1 and other eye witnesses i.e., CW-8 to CW-14 were examined on the same day, it is not going to cause any hardship or injustice to the prosecution. As per the arguments of the counsel for the accused since they have got common defence against CW-1 and CW-8 to 14, this court opines that in order to provide opportunity to the accused to prove his innocence, it is essential to permit them to cross examine CW-1 and CW-8 to 14 together in one day. If the application is allowed, it is not going to cause any hardship or injustice to the prosecution. Accused made out grounds to consider the application and grant the relief as prayed for. With all these discussions I proceed to answer point No.1 in the affirmative.

9. Point No.2: As I discussed above in Point No.1, I proceed to pass the following.,

ORDER

The Application filed by the accused u/s 254(3) of BNSS is hereby ALLOWED.

Counsel for the accused is permitted to cross examine CW-1, CW-8 to CW-14 together after completion of their chief examination.

Prosecution is directed to keep present CW-1, CW-8 to CW-14 together in the next date of hearing.

Issue witness summons to CW-1, CW-8 to CW-14.

Call on: 25-08-2026.

(Devaraj.Y.H)
I Addl., Sr. Civil Judge &
J.M.F.C, Puttur, D.K.,