

ORDER ON APPLICATION FILED BY THE ACCUSED
U/SEC. 254 OF Cr.P.C.and U/SEC.311 of Cr.PC.

The accused filed the application U/Sec.254 of Cr.P.C. and U/Sec.311 of Cr.P.C. In the application the accused stated that, the case was posted for the cross-examination of accused/DW-1 in the last hearing date, and accused was not able to present due to severe ill health. Further, accused has also stated that, accused being the wife of elder son of Muthu Shettygarthy, her presence from the date of death till the Vaikunta Samaradhane being required at the place to perform the death rituals she was not able to attend the Hon'ble court. That the absence of the accused was not intentional but under the bonafide circumstances. Hence, prays to allow the application.

2. The counsel for the complainant submit no objection to allow the said applications.

3. I have heard both sides and perused materials on record.

4. The accused was not able to present before the court in the last hearing date due to severe ill health and death of the mother-in-law and connected the rituals and the absence of the accused was not intentional. With regarding to this here the accused was also produced document and prays for recall of DW-1 and permit her to prays the cross examination.

5. Hence, considering all these aspects of the case and totality of the circumstances and I am of the considered opinion of in the interest of justice to ensure the fair trial, DW-1 is recalled. With these observation I proceed to pass the following-

:: O R D E R ::

The application filed by the accused U/Sec. 254 of Cr.P.C. and U/Sec.311 of Cr.P.C. is hereby allowed.

DW-1 is permitted to face the cross-examination.

Call on for cross of DW-1 by
16-09-2023.

C.J & J.M.F.C., Sullia.D.K.

