

IN THE COURT OF THE CIVIL JUDGE AND JMFC
AT MOODBIDRI, DAKSHINA KANNADA

Present

Sri. Fawaz P.A. B.A. LL.B.,
Civil Judge and JMFC Court, Moodbidri

Dated this 04th day of August, 2026

C.C. No.381/2024

The State- SHO Moodabidri P.S. **Complainant**
(Rep. By A.P.P., Moodbidri)

-V/s-

Mr. Sandeep Poojary**Accused**
(By Advocate-Sri D.N.S.)

Order on application under section 311 of
Cr.P.C.

The Counsel for Accused filed this application praying before this court to recall CW1 and permit them to cross examine PW1. He submits that, the CW1 has not been cross-examined as the counsel for the accused was unable to attend the court. Hence, he prayed to allow the application.

2. The Learned APP filed objection denying the application averments and submitted that the application is not maintainable and prayed to dismiss the application.

3. Heard both the sides.

4. On perusal of the materials, the present stage of the case is for prosecution side evidence. At this moment the Accused has come up with this application. However, this Court being the Court of first instance, providing an opportunity to the Accused to cross examine CW1 will not take away the rights of the CW1. It is to be noticed that, it is just and proper to impose stringent condition upon the Accused . Hence I proceed to pass following;

ORDER

The application filed by the Accused under Section 311 of Cr.P.C., is hereby allowed.

The stage of the case is reopened. CW1 is recalled.

The Accused shall further cross examine the Complainant's witness at a stretch without seeking further adjournments.

(Dictated to stenographer on Online, typed by her and transcript thereof is corrected and then pronounced by me in the open court on this 04th day of August, 2026).

(Fawaz P.A.)

**Civil Judge and JMFC., Court,
Moodbidri, D.K.**