

C.C.531/2017

**Order on application filed U/s 311 of
Cr.P.C.**

The present application is filed by the accused seeking permission to lead further defence evidence on the ground that he could not lead his evidence earlier on account of his ill-health. It is contended that the absence of the accused was unintentional and for bonofide reasons. Hence it is prayed that the application be allowed as prayed for.

To this application the complainant has filed objections that contended that the application is false and untenable in the eye of law. It is contended that the accused has misconceived the provision of law and has filed the present application after lapse of 2 years to recall Pw.1. The application is filed to fill the lacuna and is not in accordance with law. Hence it is prayed that the application be dismissed with cost.

Heard both sides.

In this case it is seen that the application filed by the accused is for recall of Dw.1. for the purpose of leading further chief evidence and not for recall of Pw.1 for the purpose of cross examination. The document produced by the accused shows that during January-

2021 the accused was taking treatment for Hiper tension, Migraine etc. Hence it is seen that it is possible that due to his illness the accused could not have appeared before the Court to lead his evidence. Hence it is necessary to give an opportunity to the accused to put forth his case by leading defence evidence. Hence application U/s 311 of CrPC is hereby allowed on cost of Rs.250/-

For further defence evidence.

by. 30-05-2023.

(Anitha, G.)
Senior Civil Judge & JMFC.,
Arasikere.24-03-2023.