

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

- 1.** The Accused has filed this application under Section 311 of Cr.P.C., to recall PW.1 for further cross-examination.

- 2.** The Accused has stated in his application that due to oversight, some of the important questions have not been put to PW.1 while cross-examining him and those materials questions are very much necessary to prove the defence of the accused and hence, it is necessary to recall PW.1 for further cross-examination.

3. The complainant in his objections has contended that, the accused has already cross-examined the complainant in full. Already the arguments on behalf of complainant has been addressed and now the case is posted for arguments of defence side and after taking several adjournments, the accused has filed this application only to drag on the proceedings. That the complainant has filed this complaint in the year 2017 which is the oldest one and at this stage, PW.1 cannot be recalled. If the application is allowed, he will be put to irreparable loss and injury and if the application is dismissed, no prejudice would be caused to other side. Hence, it is prayed to dismiss the application.

4. Heard arguments from both sides.

5. The following points arises for consideration of this Court:

1. *Whether the Accused has made out sufficient grounds to allow the application?*

2. What order?

6. The findings of this court on the above points are as under:-

Point No.1 : In the Affirmative

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

REASONS

7. Point No.1: The complainant has filed this complaint against the Accused U/s 200 of Cr.P.C. for the offences punishable under Section 500, 501 and 502 of IPC. No doubt evidence of both complainant and accused have been completed and the learned Counsel of complainant has already addressed his arguments and the case is posted for arguments of defence side and at this stage, this application is filed, but in order to avoid future consequences and in order to meet the ends of justice, it is just and proper to allow this application. At the same time, the complainant may be compensated by imposing suitable cost. Therefore, the accused has made out grounds to allow the application. Hence, **my finding to the point No.1 is in the Affirmative.**

8. Point No.2: For the above discussed reasons, the following order is passed:

ORDER

The application filed by the accused under Section 311 of Cr.PC is hereby allowed on cost of Rs.250/-.

Accordingly, PW.1 is recalled for further cross-examination.

**Senior Civil Judge & JMFC,
Arsikere**