

:: ORDER ON APPLICATION FILED
U/SEC.311 OF Cr.P.C ::

The Accused counsel filed this application to recall PW.1 for further cross examination.

2. Per contra Counsel for complainant filed his objections stating that, the reasons assign by the application are not Proper and correct. Accused deliberately postpone the matter filed this application already court as given sufficient opportunity to cross examine the PW-1. After fully cross examine the PW-1, matter was posted for 313 statement of accused and there is noreason assign in the application why the recall of PW-1 is required. Accused has not made out any grounds to allow the application. Hence, he prayed to reject the application.

3. Heard on application.

4. The Counsel for Accused filed this application seeking permission to recall PW-1 for further cross examination. During the cross examination he left out some important question and

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complainant has created the documents and filed pass case against the accused. Those question are not put in the during the cross examination. The present case is filed to try the offence punishable U/Sec., 138 of N.I. Act. The burden is on accused to prove his innocence by leading rebuttal evidence. Hence, I am of the view that one opportunity is to be granted to the accused. The delay in filling application may be compensated by imposing costs. Hence, I proceed to pass the following;

:: O R D E R ::

The application filed by the accused counsel U/sec. 311 of Cr.P.C. is hereby allowed on cost of Rs.600/- to be paid to complainant with a condition that Accused shall cross examine PW-1 without seeking adjournments.

**For further cross of
PW.1.**

Call on: 08-11-2024.

Sd/- 24-10-2024

Addl. Senior Civil Judge and JMFC.,
Haveri.

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