

Accused Present.

Hearing heard.

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

The Accused counsel filed this application to recall PW.2 for cross examination.

2. Complainant filed objection contended that application is not maintainable. Accused deliberately narrated false facts by denying payment of amount and issuing of cheque reason assigned application or not proper and same is not within purview of section 311 of Cr.P.C., Accused filed application on 19-03-2024, the said application allowed by this court and grant opportunity to cross examine the PW-2, but accused did not chosen to cross examine the PW-2 and matter is posted for Arguments. Again he has filed application cross examination of PW-2 without proper reasons. Hence prayed to dismiss the application.

3. Heard on application.

C.C. No. 551/2023.

4. The Counsel for Accused filed this application seeking permission to recall PW-2 for cross examination. Therefore to disprove the case of the complainant. It is necessary to cross examination of PW-2 is required. 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 costs of Rs.,600/- with a condition that Accused shall cross examine PW-2 without seeking adjournments.

For cross of PW-2.

Call on: 05-02-2025.

Sd/- 25-01-2025

Addl. Senior Civil Judge and JMFC.,
Haveri.

C.C. No. 551/2023.