

C.C. No. 1115/2023.

Both counsel are present.

Hearing heard on both side.

For orders

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

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

2. In the application accused stated that at the time of cross examination due to oversight he did not cross examine in respect of Ex.P. 1 cheque and Ex.P-5 Postal acknowledgment. Therefore it is just and necessary to recall the PW-1 to cross examine on this aspect.

3. On the other hand complainant counsel objection contained that the application filed by the accused is not maintainable. The accused counsel already fully cross examine simply drag the proceeding he filed present application without any reason. Hence, prayed to dismiss the application.

4. Heard on application.

5. The Counsel for Accused filed this application seeking permission to recall

C.C. No. 1115/2023.

PW-1 for cross examination. Therefore to disprove the case of the complainant. It is necessary to cross examination of PW-1 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.,500/- with a condition that Accused shall cross examine PW-1 without seeking adjournments.

For cross of PW-1.

Call on: 10-02-2025.

Sd/- 01-02-2025

Addl. Senior Civil Judge and JMFC.,
Haveri.

C.C. No. 1115/2023.