

ORDER ON APPLICATION U/SEC. 311 OF CR.P.C.

The counsel for accused has filed application U/sec.311 of Cr.P.C for seeking recall of CW-1/PW-3 for cross examination. After recording the chief examination of CW-1/PW-3, the matter was deferred for cross examination. Thereafter, the PW-3 not turned to court for cross examination. There is need of cross of CW-1/PW-3, Therefore, filed this present application for recall the CW-1/PW-3 for cross examination.

2. The L/APP filed objection and submitted that already sufficient opportunity given to the accused for cross of CW-1/PW-3 and given reasons by the accused is not sufficient and reasonable grounds, hence, prayed for reject the application.

3. Heard, both side.

4. **POINTS FOR CONSIDERATION :**

1. *Whether the accused persons have made out the grounds for allow the application.?*
2. *What order?*

5 : **DETERMINATION ON ABOVE POINTS :**

Point No.1: Affirmative

Point No.2: For the following:

:: REASONS ::

6. The counsel for accused persons has filed this present application to recall the CW-1/PW-3 for cross examination and submitted that after recording the chief examination of CW-1/PW-3, the matter was deferred for cross examination. Thereafter, the PW-3 not turned to court for cross examination, there is necessary for cross of CW-1/PW-3 for to meet the ends of justice. The alleged offence against accused persons is punishable U/Sec. 341, 323, 324, 504, 506 r/w Sec. 34 of IPC. If CW-1/PW-3 is recalled, no loss will cause to the prosecution and if the CW-1/PW-3 is not recall for cross examination it may be cause to prejudice to the accused persons. Therefore it is just an proper provide one more opportunity accused persons to cross examine the CW-1/PW-3. Therefore, this court is of the opinion that the accused persons made out the grounds for recall the CW-1/PW-3 for cross examination, hence, point No. 1 is answered is affirmative.

7. Point No.2 : For the above given reasons, this court proceed to pass the following:

:: ORDER ::

The application filed by accused persons U/Sec.311 of Cr.P.C. is hereby allowed. Issue W/s to CW-1/PW-3. Call on 07-03-2026.

**Civil Judge & JMFC
Afzalpur**