

**ORDER ON I.A. NO. I FILED U/SEC.
311 OF CR.P.C.**

The counsel for accused has filed a filed application U/sec.311 of Cr.P.C for seeking recall of PW-1 to 4 for cross examination. The counsel submitted that on that day of recording of examination in chief of PW-1 to 4 he was out of station, hence, he was unable to cross of PW-1 to 4. Hence, the Hon'ble court was taken cross of PW-1 to 4 taken as nil. There is need of cross of PW-1 to 4, hence by recalling the PW-1 to 4 for in the interest of justice and equity.

2. The L/APP filed objection and submitted that already sufficient opportunity given to the accused for cross of PW-1 to 4. On the day of examination in chief accused was present, Counsel absent. Hence, not cross examined to PW-1 to 4, they have intentionally not cross examined PW-1 to 4 and given reasons by the accused is not sufficient and reasonable grounds, hence, prayed for reject the application.

3. Heard, both sides.

4. **POINTS FOR CONSIDERATION :**

1. Whether the accused has made out the grounds for allow the I.A. No. I.?

2. What order?

: DETERMINATION ON ABOVE POINTS :

Point No.1 : Affirmative

Point No.2: For the following:

:: REASONS ::

5. The counsel for accused has filed this application recall the PW-1 to 4 for cross examination and submitted that he was absent on the day of examination chief due to which he has not cross examine the PW-1 to 4 necessary for to meet the ends of justice. The alleged offence against accused persons is punishable U/Sec. 279, 304-A of IPC. If PW-1 to 4 are not recalled the testimony of PW-1 to 4 remaining unchallenged and not testified, therefore, to ascertain the truth from mouth of the PW-1 to 4 it is just and proper to recall them for cross examination. If recalled no loss will cause to the prosecution and if the PW-1 to 4 are not recall for cross it may be cause to prejudice to the accused. Therefore it is just an proper provide one more opportunity accused persons to cross examine the PW-1 to 4.

6. Therefore, this court is of the opinion that the accused has made out the grounds for recall the PW-1 to 4 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 ::

I.A. No. I filed by accused U/Sec.311 of Cr.P.C. is hereby allowed on cost of Rs. 1000/- each payable to PW-1 to 4 and PW-1 to 4 are hereby recalled for cross examination.

Issue witness summons to PW-1 to 4. For cross of PW-1 to 4. Call on 13-02-2026.

**Civil Judge & JMFC
Afzalpur**