

KAKL010019852020



**IN THE COURT OF SPECIAL JUDGE AND  
PRINCIPAL DISTRICT AND SESSIONS JUDGE  
AT KOLAR**

DATED THIS THE 21<sup>ST</sup> DAY OF JULY 2026

PRESENT

**SHRI V.M. ANANDASHETTI**  
PRINCIPAL DISTRICT & SESSIONS JUDGE, KOLAR

**SPL.C(Corruption/4/2020)**

**COMPLAINANT:** State of Karnataka represented by  
Karnataka Lokayuktha Police, Kolar.

(Reptd., by Sri.**T.Amarendra**,  
Special Public Prosecutor)

**VERSUS**

**ACCUSED** : A.S.Suresh  
S/o. Late Sriramareddy,  
Aged about 53 years,  
R/o. No.31, 6<sup>th</sup> Cross,  
Chinnappanahalli, Marathhalli Post,  
Bengaluru.

Permanent resident of  
Ahanya Village, Lakkur Hobli,  
Malur Taluk, Kolar District.

(Reptd. by **Sri. Mohammed Haneef**,  
Advocate)

**ORDERS ON APPLICATION UNDER SECTION 311 OF  
CR.P.C.**

After examination of 12 witnesses the prosecution has moved this application under Section 311 of Cr.P.C., to recall PW-1 Mallikarjuna Reddy for his further examination in order to exhibit through him the CD containing voice conversation recorded by him.

2. The application is opposed on the grounds that it is at belated stage, aimed at filling up the lacuna and it would cause prejudice to the defence, as the defence has already cross-examined the complainant and shadow witness. During hearing same is reiterated.

3. Heard.

4. According to prosecution when the accused allegedly demanded bribe the PW-1 recorded such conversation and it is copied into a CD during investigation. The said CD is not played and exhibited and proved through PW-1. In order to prove the same this application is filed.

5. The evidence which is sought to be brought on record i.e., voice conversation recorded by PW-1 is a relevant and material evidence. The said electronic evidence, in order to prove it, requires to be exhibited through PW-1 and played in the open Court and give an opportunity for him to confirm it. The said electronic evidence is part of charge sheet. Lapse committed during

trial in exhibiting it previously will not foreclose the right of prosecution to tender the same in evidence, particularly when it is relevant, Of course the prosecution would not be relieved of proving its admissibility having regard to its nature. The policy of law is that relevant piece of evidence has to be brought on record and should not be excluded on technicalities provided it should not cause prejudice to the defence. In this case it is the version of accused that they would be prejudiced. In my opinion the question of prejudice also does not arise as the said material already forms part of charge sheet, thereby defence being made aware of such material. Further the defence would be having opportunity to cross-examine the witness on the material now sought to be produced. Further the question of filling up lacuna does not arise as there is no lacuna itself, since material sought to be produced, as observed above, forms part of charge sheet and accused was made aware of it. Allowing the prosecution to exhibit the CD through witness PW-1 would not amount to filling the lacuna of the prosecution case for the simple reason that the evidentiary material is already on record and by the present application only its formal proof is aimed. Hence, that objection is rejected. The only other objection raised by the defence is that the evidence is sought to be tendered at belated stage. In my opinion, the stage is immaterial when the evidence is relevant and the relevancy of evidence and fairness of trial outweighs the objection as to delay in production. Hence, there is no merit in the objection

raised by the defence to the application of prosecution.  
Therefore, I proceed to pass the following;

**ORDER**

The application filed by the prosecution  
under Section 311 of Cr.P.C., is allowed and  
PW-1 is recalled for further examination.

(Dictated to the Stenographer directly on the computer, typed by  
him, corrected and then pronounced by me in the open Court on  
this the 21<sup>ST</sup> DAY OF JULY 2026)

**(V.M. ANANDASHETTI)**  
**PRL. DISTRICT & SESSIONS JUDGE, KOLAR.**

Vsr./-\*