

ORDERS ON APPLICATION
UNDER SECTION 311 OF Cr.P.C

The learned counsel for the complainant has filed an application under Section 311 of Cr.P.C, seeking recall of PW1 for the purpose of marking of documents.

The accused has filed an objection to application and contended that, the application filed by the complainant is not maintainable either in law or on facts, the same is liable to be dismissed in limine. The accused further contended that, already evidence of complainant concluded with consent of the counsel for the complainant. The evidence of accused also already concluded. The case was set down for arguments on merits. In this stage, the complainant has filed present application is not maintainable. **Hence, prayed that, dismiss the application filed by the complainant with cost.**

Heard both sides.

This court has perused the material available on record. The complainant has filed this complaint against the accused for the offense punishable under Section 138 of NI Act. Evidence of both the parties already concluded. The complainant has produced list with documents on

24.12.2025. The said documents not marked on behalf of the complainant. Now, the complainant has filed present application seeking permit to marking of those documents on his behalf. The burden lies on the complainant to prove his case. The production of documents is not barred under any law. Hence, application filed by the complainant is deserves to be allowed in the interest of justice and equity and to avoid multiplicity of proceedings. Hence, this court has proceed to pass the following:

ORDER

Application under Section 311 of Cr.P.C filed by the complainant is hereby allowed with subject to payment of cost of Rs.500/-.

The PW1 is recalled for the purpose of marking of documents.

For further chief of PW1
by

**Senior Civil Judge and JMFC.,
Malavalli.**