

ORDERS ON APPLICATION FILED
U/S 311 OF Cr.P.C R/w SECTION
145(2) OF NI ACT BY ACCUSED

The learned counsel for the accused has filed an application under section 311 of Cr.P.C R/w section 145(2) of NI Act seeking recall of PW1 for the purpose of further cross examination.

The learned counsel for the complainant has filed an objection to application and contended that, the application filed by the accused is not maintainable either in law or on facts, the same is liable to be dismissed in limine. The complainant further contended that, already cross examination of PW1 completed. The accused has cross examined the PW1 in 2 occasions. On 25.10.2025, this court has taken as further cross examination of nil. The accused has suppressed the real facts and filed this false application only drag on the proceedings. **Hence, prayed that, dismiss the application filed by the accused 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 offence punishable under section 138 of NI Act. The accused cross examined the PW1 on 06.10.2025 and

25.10.2025. On 25.10.2025, the accused prays time to further cross examination of PW1. This court has refused the request of counsel for the accused and taken as cross examination of PW1 nil. Thereafter, the accused has filed this application. As per application averments, further cross examination of PW1 is required in the interest of justice and equity and ends of justice. Hence, application filed by the accused is deserves to be allowed with cost. Hence, this court has proceed to pass the following order:

ORDER

Application filed by the accused under Section 311 of Cr.P.C R/w Section 145(2) of NI Act, is hereby allowed subject to payment of cost of Rs.1,000/-.

The PW1 is recalled for the purpose of further cross examination.

For further cross examination of PW1 by 28.01.2026.

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