

**ORDER ON APPLICATION FILED U/SEC.311 OF Cr.P.C.
BY LEARNED ASSISTANT PUBLIC PROSECUTOR**

Above application is filed by learned Assistant Public Prosecutor praying to recall CW.1 for examination as it is very much necessary to prove the prosecution case. It is stated that, no prejudice would cause to the defence side by allowing the above application. Hence, prayed to allow the application.

On the other hand, counsel for accused has no objection to allow the said application.

Perused the entire records. CW.1 is the complainant and the main witness in this case. If he is not examined, the prosecution case would be defective to prove the relevant fact. Even after granting sufficient time and issuance of witness summons, he remained absent. Hence, his evidence has been dropped by this Court. The learned Assistant Public Prosecutor has filed above application seeking to recall CW.1 for his examination. On going through the facts and circumstances of the prosecution case it appears that, the evidence of CW.1 is very much necessary for the prosecution to prove its case. No prejudice would be caused to the defence side if the present application is

allowed. Therefore, in the interest of justice, the above application filed by the learned Assistant Public Prosecutor is to be allowed. Hence, the following :

ORDER

The application under Section 311 of Cr.P.C filed by the learned Assistant Public Prosecutor is hereby allowed.

CW.1 is recalled.

Issue Witness Warrant to CW.1 without fail to appear by

I Addl. Civil Judge & JMFC,
Malavalli.