

Order on Application filed by the Learned
Counsel for the Accused 231(2) of Cr.P.C.

This is the case in which the Police have filed the Charge-Sheet against the Accused for the offence U/Sec.392, 450 and 302 of IPC., in which now when the trial was going on, the Learned Counsel for the Accused has filed applications U/Sec. U/Sec. 231(2).

2. In the application, the Learned Counsel for the Accused has submitted that CW1 and 2 are examined in Chief, but not cross-examined, CW5,6 and CW10 also corroborate the evidence of PW2 and PW3, hence it is necessary to defer the cross-

examination of CW5,6 and 10, till completion of evidence of PW2 and 3. Hence he requested to defer cross-examination of PW2,3, CW5,6 and 10.

3. To this application the learned Public Prosecutor has filed objecting contenting that PW3 is not relative of PW2, CW5, 6 and 10 are also not related to PW2 and 3, and they are not eye witnesses. Hence there is no necessity of deferring cross-examination as claimed. Hence, requested to reject the said application.

4. On perusal of the records, it appears that PW-2 and 3 are the witnesses to the spot mahazar, CW-5 is the witness to the seizure mahazar under which bangles are seized, CW-6 is the witness to seizure mahazar under which CCTV footage's CD are seized and CW-10 is witness to identity of the accused. Therefore, there is no possibility of prosecution filling of the lacuna in its case that may be disclosed during cross-examination. Hence, application of the accused is liable to be rejected. Hence the following :-

O R D E R

The application filed by the Learned Counsel for the Accused 231(2) of Cr.P.C., is hereby ***Rejected.***

**IV Addl. District & Sessions Judge,
Mysuru**