

KAMS010063172021



**IN THE COURT OF THE IV ADDL. DISTRICT &  
SESSIONS JUDGE: MYSURU.**

**Dated this the 12<sup>th</sup> day of February 2026**

**PRESENT**

**Sri P.J.Somashekar, B.A.,LL.M.,  
IV ADDL. DISTRICT & SESSIONS JUDGE:  
MYSURU.**

**SC/257/2021**

**Complainant:**

State by Krishnaraja  
Police Station,  
Mysuru District.

**[By Public Prosecutor]**

**V/s**

**Accused Persons:**

1. Sri Ambreesh S/o Late  
Nagaraja,  
Aged about 35 years,  
R/at Government school, Dous  
Ganapati Temple,  
Kanakagiri,  
Vidyaranyapuram, Mysuru city.
2. Sri. Suresh Swamy @ Swamy  
@ Bogale S/o Javarayya,  
Aged about 36 years,  
R/at No.-15D, M.G.Road,

Madhuvana Layout,  
Mysuru city.

**(A.1 by By Sri. V.S.,  
A2 by Sri.A.K.V -Advocates., )**

**::O R D E R S::**

This is an application under Section 230 and 231 of Cr.P.C filed by the learned Public Prosecutor and sought for issue summons to the Assistant Executive Engineer, Mysuru city corporation for his examination.

2. **The Nutshell of the application are as under:**

The learned Public Prosecutor has filed this application under Section 230 and 231 of Cr.P.C stating that the Investigating Officer has already filed charge-sheet against the accused for the offences punishable under Section 341, 323 and 307 R/w 34 of IPC and the spot sketch has been prepared and filed along with charge sheet. Though Smt. Aishwarya has been cited as a charge-sheet witness as CW15 and who appeared

before the court stating that her staff Sushruth prepared the spot sketch and she has sent the said sketch after getting from the Sushruth to the IO. Therefore it is just and necessary to examine the said Sushruth as witness on behalf of the prosecution and prays for allow the application.

3. The learned Counsel for the accused has filed the objection stating that the application which filed is not maintainable in law or on facts. Though the prosecution filed the application sought for permission to examine one Sushruth, assistant Executive Engineer, City corporation, Mysuru for his examination on behalf of the prosecution. Since the prosecution is already produced the documents and examined the witnesses. So at this stage seeking the permission for production the documents and to examine the witness does not arise and at the time of filing of the charge-sheet the public prosecutor is already conducted the scrutiny and

filed the charge-sheet. Therefore, question of permission as sought does not arise and the application has been filed only with an intention to drag the proceedings and prays for reject the application.

4. Heard the arguments on both side.

5. The Points that arise for Court consideration are as under:

1. Whether the prosecution is entitled the relief as sought in the application?

2. What order ?

6. My answer to the above points are as under:

Point No.1 : In the **Affirmative**.

Point No.2 : As per the final order  
for the following:

**::REASONS::**

7. **POINT NO.1** :- The Police inspector of K.R.Police station has charge-sheeted against the accused on the ground that they have committed the offences punishable under Section 341, 323 and 307 R/

w 34 of IPC and the accused persons were on bail and my predecessor after framing of charge, the learned Public Prosecutor examined the prosecution witnesses and pending of the trial the learned Public Prosecutor has filed the instant application and sought for issue summons to the person whose name appeared in the application to mark the sketch.

8. The learned Public Prosecutor while canvassing her arguments has submitted that the prosecution examined one Smt. Aishwarya before the court and she has stated that her staff prepared the sketch therefore it is just and necessary to examine the person who prepared the sketch if examined no injustice would cause to other side and accused having a right to cross-examine the said witness and prays for allow the application.

9. Per contra the learned counsel for the accused

in his arguments has submitted that the application which filed is not maintainable in law or on facts and the prosecution has filed the instant application only with an intention to drag the proceedings and at the time of filing of the charge-sheet the learned Public Prosecutor is already verified the entire charge-sheet thereafter filed before the court. So question of accord permission to the prosecution to examine the witness does not arise and prays for reject the application.

10. Now let me know whether the provisions which coated in application are empowers to examine the witness who is not cited in the charge-sheet as the learned Public Prosecutor filed the instant application and sought for examine the witness as shown in the application on the ground that one Smt. Aishwarya being the CW15 has been appeared before the court and submitted that she has not prepared the sketch but one Sushruth has prepared the sketch and the provision

which coated are very much clear on the application of the prosecution issue any process for compelling the attendance of any witness or production of any documents or other thing and the court in its discretion permit the cross-examination of any witnesses to be deferred until any other witnesses, have been examined so one thing is clear from the provisions which stated in the application, on application of the prosecution court can issue process for compelling the attendance of any witnesses, that itself is clear even if the witness name is not cited in the charge-sheet on application the court can compelling the witness to appear before the court to give evidence. Therefore, the arguments which advanced by the learned counsel for the accused holds no water.

11. Thus considering the offences which alleged against the accused and the materials on record and the submission of the CW15 before the court it is just and

necessary to issue summons to the witness as his name shown in the application in the interest of justice and equity and if the application is allowed no injustice would be caused to the other side and the accused is at liberty to cross-examine the said witness. Hence, I am of the opinion that the point No.1 is answered in the **Affirmative.**

12. **Point No.2** :-In view of my answer to the Point No.1 as stated supra, I proceed to pass the following:

**ORDER**

Application filed under Section 230 and 231 of Cr.P.C., are hereby **Allowed.**

Issue witness summons to the witness as his name shown in the application.

(Dictated to the Stenographer-III, transcribed by her, then corrected and then pronounced by me on this the **12<sup>th</sup> day of February 2026**).

**(P.J. SOMASHEKHAR)**  
IV Addl. District & Sessions  
Judge, Mysuru.