

**ORDERS ON APPLICATION UNDER
SECTION 231(2) OF Cr.P.C.**

This is the case in which charge sheet is filed against the Accused for the offences under Section 302 of IPC, in which when trial was going on and CW.1 was examined in chief, Counsel for Accused filed present application seeking to defer the cross examination of CW.1 and permit the Accused to cross-examine them after the chief examination of CW.1, 7, 12 to 15 contending that if any of them is cross-examined before chief-examination of other witnesses it may cause to prejudice to Accused.

2. To this application, learned Public Prosecutor filed objections contending that when Accused has not filed any application before commencement of trial, present application is not maintainable. Application like present one shall not to be entertained in routine manner, hence application is liable to be rejected.

3. On perusal of material available on record and submission of counsel for Accused and Public Prosecutor it appears to me that power to defer the cross examination under Section 231(2) of Cr.P.C is discretionary, said provision does not

confirm the right of Accused to seek deferral in the wholesale way on the ground of defence of the Accused would known to the prosecution. However, by looking to the charge sheet it appears that, CW.1, 7, 12 to 15 are the close relatives of the deceased Pallavi and they all are going to depose about the same facts, it is decided to allow the application filed by Accused and defer cross examination of CW.1, 7, 12 to 15 till chief examination of CW.1, 7, 12 to 15. However it is decided to direct the counsel for Accused to complete cross examination of CW.1, 7, 12 to 15 immediately after chief examination without asking adjournments. Hence, following:

ORDER

The application filed under Section 231(2) of Cr.P.C is allowed.

Cross examination of CW.1, 7, 12 to 15 is deferred till completion of chief-examination of CW.1, 7, 12 to 15.

Counsel for Accused is directed to cross examine CW.1, 7, 12 to 15

immediately after the chief examination
without asking the adjournment.

(MALLANAGOUDA)

II Addl. District & Sessions Judge,
Mysuru.