

Order on memo

The prosecution has filed memo by stating that the accused had executed an agreement of sale in favour of brother of the complainant when the alleged incident was took place. It is also stated that since the said agreement of sale was executed in favour of brother of the complainant, examination of the brother of the complainant is very much necessary and hence prayed to include the witness mentioned in the memo as additional witness and prayed to permit prosecution to examine said witness.

The counsel for the accused has filed objection to the memo and it is stated that the prosecution has filed present application in order to drag the proceedings and the prosecution has already

examined all the witness cited in the charge sheet. It is also stated that since the prosecution has not filed the application under proper provision, the memo may be dismissed. Hence prayed to reject the memo

Heard the learned prosecution and counsel for accused.

The prosecution by filing the memo states that the when the alleged incident was took place the accused had induced the complainant by saying that he would give compensation and told not to file complaint against him and entered into an agreement of sale with the brother of the complainant. It is further stated that the prosecution has not cited the brother of the complainant as witness and examination of said witness is necessary to prove case of the

prosecution. On perusal of the earlier order sheet, the prosecution has filed application for summoning the said agreement of sale and after considering the said application, the prosecution got marked the said agreement of sale through complainant. Now the prosecution intends to examine the buyer of the property mentioned in said Sale Deed to establish its case. By considering reasons stated in the memo opportunity should given to the prosecution to examine said witness. No doubt the prosecution has filed a memo and not filed proper application by invoking the provision of law but only on said ground, the application cannot be rejected. Hence by considering the reasons stated in the memo, same deserve to be allowed. Hence for the said reasons this court proceed to pass the following

ORDER

The witness cited by the prosecution in the memo is considered as additional witness on behalf of prosecution.

Office is hereby directed to issue summons to said witness to his address mentioned in the memo.

Call on: 19.02.2025.

**(Sandesh Prabhu. B)
Senior Civil Judge & J.M.F.C
H.D.Kote**