

**IN THE COURT OF ADDL. SENIOR CIVIL JUDGE AND JMFC., AT
HUNSUR,**

**Presided Over by Bhagyamma
B.com. L.L.B.,**

Dated, this the 16th day of June 2025

CC 23/2020

Complainant : Manukumar

.Vs.

Accused : T Mahadeva

Applicant : T Mahadeva

Order on application under Section 311 of Cr.P.C.

At the stage of arguments, the Counsel for accused has filed this application under Section 311 of Cr.P.C., seeking permission to lead further Cross examination of PW1 by allowing this application in the interest of justice and equity.

2. Per contra, the learned counsel for the Complainant filed objection by resisting the same and contended that the application filed by the Accused is not maintainable either on law or on facts, prayed to dismiss the same with cost.

3. Heard and Perused the available materials on record.

4. The points that would arise for my consideration are:

1. Whether the Accused has made out ground to recall PW-1 to lead further Cross examination as prayed in the application?

2. What order?

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

Point No.1 : In the affirmative.

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

REASONS

6. **POINT NO.1:-** On careful perusal of the available materials on record, the case is posted for arguments, at this juncture the Learned Counsel for accused has filed this application seeking to permission to lead further cross examination of PW-1. During the course of cross-examination of PW-1, some important questions were not asked, but these questions are very important to prove his case.

7. According to the accused, it is very much required to lead further cross examination of PW-1 in order to disprove the complaint averments. So, the accused has filed this application. Despite of opportunity has been given to accused to lead cross examination, it has not been done well with in time by filing application. However, it is just to allow the application to meet the ends of justice and for the fair adjudication of the matter. If at all the application is not allowed, the accused will be put to hardship and the rights of the accused will be curtailed. So also, the multiplicity of proceedings will be arose. On the other hand, there is no hardship will be caused to complainant side, if the application is allowed by imposing cost. Accordingly, the Point No.1 answered in the affirmative.

8. **POINT NO.2:** In the result, I proceed to pass the forgoing:-

ORDER

Application under Section 311 of Cr.P.C.,
filed by the accused is hereby allowed on cost of
Rs.500/-

Consequently, hereby permitted to lead
further cross examination of PW-1 on the next
hearing date without fail. To keep present PW-1,

Call on: 25.06.2025

**Addl. Senior Civil Judge & JMFC,
Hunsur.**