

## **ORDER ON APPLICATION FILED U/S 311 CR.P.C.**

Counsel for accused has filed an application U/s 311 of Cr.P.C for recalling and examining CW1 and 2 for cross examining them. He has submitted that due to failure on the part of accused approaching him and providing information with regard to the present case. He was also not able to cross examine CW1 and 2 due to non availability of documents. Hence, prayed for allowing the application.

Per contra Learned APP has filed objections contending that the application filed is highly belated with an ulterior motive only to cause delay with no valid grounds and reasons for allowing the present application. Further contended that it causes lot of inconvenience to conduct prosecution if application is allowed. Hence, prayed for dismissal of the application.

Heard and perused.

On perusal of the application filed by the counsel for accused it is clear from the application averments that accused intends to disprove the prosecution case. As CW1 and 2 are not cross examined by the accused it will cause injustice to accused if application is not allowed and an opportunity to cross examine CW1 and 2 have been deprived with. Considering the nature of the case this court finds it just and proper to allow the present application by imposing cost. Hence, without further discussion this court proceeds to pass following:

### **ORDER**

The application filed by the accused U/s 311 Cr.PC is hereby allowed on a cost of Rs.200/- payable to witnesses.

Issue W/s to CW1 and 2 returnable by  
17/02/2020.

(Gayatri)  
Addl. Civil Judge & JMFC.,  
K.R.Nagar.