

**ORDER ON APPLICATION FILED UNDER SECTION 301**  
**OF CRIMINAL PROCEDURE CODE**

The Learned Counsel Sri.K.T.R has filed this application on behalf of Complainant seeking permission to assist the APP in the proceedings. In the application, the complainant has stated that, the son of the complainant has given a false complaint against the grandson of the complaint before Nanjangud Town police. The same was pending before Hon'ble Sessions court. The complainant has also filed civil case in O.S.333/2012. These cases have a bearing on the above case. As such the complainant needs assistance of an advocate to effectively plead on his behalf. . Hence, he filed an application to take the assistance of the advocate to assist the prosecution.

2. The Learned APP orally objection the application.

3. Heard both the sides. The learned counsel Sri.KTR has relied upon two decisions.

4. The counsel for complainant filed this application for seeking to assist the APP in conducting the case. Now it is relevant to mention Sec. 301 of Cr.P.C.,

301. Appearance of Public Prosecutor: (1)

The Public Prosecutor or Assistant Public Prosecutor in charge of a case may appear and plead without any written authority before any Court in which that case is under inquiry, trial or appeal.

(2) If in any such case any private person instructs a pleader to prosecute any person in any Court, the Public Prosecutor or Assistant Public Prosecutor in charge of the case shall conduct the prosecution, and the pleader so instructed shall act therein under the directions of the Public Prosecutor or Assistant Public Prosecutor, and may, with the permission of the Court, submit written arguments after the evidence is closed in the case.

5. On perusal of the above said provision of law, it is clear that a pleader of the choice of complainant may be permitted to assist the prosecution in conducting the case and that pleader so instructed shall act therein under the directions of the Public Prosecutor or Assistant public Prosecutor. The pleader may also submit written arguments with the

permission of the court after the evidence is closed. Therefore a private counsel appointed by the complainant can be permitted to assist the APP in conducting the case. Hence, this court proceed to pass the following:

**ORDER**

The application filed U/sec. 301 of Cr.P.C., by the counsel for defacto complainant is hereby allowed. Counsel for defacto complainant is hereby permitted to assist the APP in conducting the case.

Prl. Civil Judge & JMFC.,  
Nanjanagudu.