



**IN THE COURT OF THE PRL. CIVIL JUDGE & J.M.F.C.,
MAGADI.**

Present :- SHRINIVASA.K.R., B.A.L., LL.M.
Prl. Civil Judge & JMFC.,
Magadi.

C.C.No.3900/2023

Dated this the 12th day of February - 2026

Complainant : State by Magadi Police

(By Learned APP)

// Versus //

Accused : Sri.Ningaiah,
S/o Chikkabasavaiah,
Aged about 65 years,
Residing at Uduvegere Village,
Madabal Hobli,
Magadi Taluk,
Ramanagara District.

(By Sri.M.V.S., Adv)

**ORDER ON APPLICATION FILED BY THE LEARNED
APP U/SEC.242(2) and Sec.311 OF Cr.P.C.,**

The learned APP has filed applications along with photos and CD stating that, at the time of filing of charge sheet, investigation officer not produced the photos and CD with respect to injury of CW-1 and the said documents are



necessary to prove the guilt of the accused. Hence, it is just and necessary to recall the PW-1 for the purpose of further chief examination to mark the said documents. If the application is allowed not hardship will be caused to the accused. Hence, prays to allow the application.

2. On the other hand, accused counsel filed objection and contended that, the application filed by the learned APP is not maintainable either in law or on facts. The documents which are produced by the prosecution not maintainable at this juncture as the evidence of all witnesses completed and it is not stated that, who has taken said photos and who issued the CD. With an intention to harass the accused, the present application filed. There are no genuine ground in the application. Hence, prays to reject the application.

3. I have heard the argument of learned APP and counsel for accused and perused the materials on record.

4. The following point arises for my consideration:

1. Whether the applications filed by the learned APP are deserves to be allowed?

2. What order?

5. My findings to the above points is as under:

Point No.1 : In the **Negative**.



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

REASONS

6. **Point No.1:** The complainant/CW-1 has filed complaint against the accused and the Magadi police have registered FIR in Crime No.120/2023 for the offence punishable Under Section 323, 324, 504, 506 of IPC. After FIR, the CW-8 investigated the case and filed charge sheet for the offence punishable Under Section 323, 324, 504, 506 of IPC. After filing of charge sheet cognizance taken and issued summons to accused and accused appeared through his counsel and enlarged on bail and charge framed. After framing of charge CW-1/complainant adduced her evidence on 24.10.2024 and accused counsel fully cross examined the CW-1 and after completion of evidence of all witnesses, the learned APP filed present applications along with photos and CD to recall the CW-1 stating at the time of filing charge sheet, investigation officer not furnished the said photos. Hence, it is just and necessary to recall the CW-1 to mark said photos and CD.



7. The contention of the accused is that, the application filed by the prosecution is not maintainable at this juncture as the evidence of all witnesses completed and the prosecution not stated anything in the applicatiuon that, for what purpose they have not produced the said photos and CD at the time of investigation. Hence, prays to reject the application.

8. Sec.311 of Cr.P.C., confers any court may at any stage of trial recall witness who already examined and the court shall recall the witness which appears to be essential to the just decision of the case. The object of the Sec.311 of Cr.P.C., is that, there may not be failure of justice on account of mistake of either party in brining the valuable on records.

9. The contention of prosecution is that, the investigation officer not produced the photos and CD at the time of filing charge sheet with respect to injury of CW-1. I have carefully gone through the applications, in the applications prosecution not specifically stated what prevented the CW-1 to furnish said photos and CD to the investigation officer at the time of investigation and moreover, the CW-1 appeared before the court on 24.10.2024 and CW-1 examined as PW-1 and the accused counsel fully cross examined the PW-1. The CW-1 not stated anything



about photos which are produced by the prosecution. Therefore the prosecution not made out any sufficient grounds to allow the application. Under such circumstances, if the application is allowed the accused will be put into irreparable loss and hardship. Hence, I answer the point No.1 in the **Negative**.

10. **Point No.2:** In view of my finding to the point No.1, I proceed to pass the following:

ORDER

Application filed by the learned
APP U/Sec.242(2) and Sec.311 of
Cr.P.C., is hereby rejected.

(Dictated to the Stenographer on Computer, typed by him, order corrected and signed by me, then pronounced by me in open court on this the **12th day of February - 2026.**)

(Sri. SHRINIVASA.K.R.)
Prl. Civil Judge & J.M.F.C.,
Magadi.