

CC 1304/2024

Accused absent.

Counsel present and filed EP. Heard.
Application is allowed.

Personal appearance of the accused is
exempted for the day.

L/c for the accused filed application
U/Sec.311 of Cr.P.C to re-call the CW-1 to 6
for cross examination.

Heard on application and perused the
records. It is treated in the application that,
on the last date of the hearing counsel for
the accused was present and sought time for
cross examination. But the court was
rejected the prayer of the counsel and posted
the matter for judgment. But on perusal of
the order sheet, cross examination of PW-1
and 2 was deferred on 09.02.2026. On
11.02.2026 PW-1 and 2 were present before
the court. On the said day the accused and
his counsel was absent as such cross
examination of PW-1 and 2 was taken as nil.
Thereafter, despite of sufficient time granted
by this court. The accused neither filed
necessary application to re-call the PW-1
and 2 for cross examination nor he appeared
before the court properly.

On 07.04.2026 statement of the accused
U/Sec.313 of Cr.P.C was recorded and
posted the case for arguments. At the time
also the accused failed to re-call the PW-1
and 2 for cross examination.

In this case there are 3 witness were
examined on behalf of the prosecution. But
the accused filed the present application to
re-call the CW-1 to 6 for cross examination.
The present application is filed at the later

stage.

Further, the case is already posted for judgment. Therefore, when the case is reserved for judgment no application shall be allowed. Hence, no grounds are made out by the accused to allow the application U/Sec.311 of Cr.P.C.

Accordingly, I proceed to pass the following,

ORDER

The application filed by the accused U/Sec.311 of Cr.P.C is hereby rejected.

Call on for judgment by 09-06-2026.

Prl. Civil Judge & JMFC,
Sagara.