

ORDERS ON APPLICATION

The complainant has filed this application under section 348 of B.N.S.S. (under section 311 of Cr.P.C.) to recall of PW-1 for further chief examination and also filed under section 265 of B.N.S. to permit the complainant to produce the documents.

2. On the other hand accused has opposed the application stating that case is posted for arguments and both side was heard at that time the complainant has filed this application under section 348 and 265 of B.N.S.S. The complainant has to filed such applications at the time of evidence. In the cross examination of PW-1 defence has cross examined availability of documents pertaining to this case. The complainant not bothered for production of documents. The complainant has filed these applications at belated stage and prayed to reject the application.

4. Heard. Point arises for my consideration are;

- 1) **Whether the complainant has made out grounds to allow the application ?**
- 2) **What order ?**

5. My answer to the above points as under

Point No.1 : **Affirmative,**

Point No.2 : Is as per the final order
for the following;

REASONS

6. **Point No.1:** In the application complainant has stated that further chief examination of PW-1 is necessary and also filed application with three documents and stated that those documents are necessary to prove the case. Though the accused has filed objections but the accused has not stated that those documents are not material documents to this case. The complainant has stated that the documents produced along with applications or material documents to prove the case of complainant. Hence looking to the facts and circumstances of the case, if the applications are allowed with the condition that accused shall proceed with the case without taking any adjournments then it will meet the ends of justice. Further the accused is having every right to cross examine PW-1 on those documents, accordingly **Point No.1 answered in Affirmative.**

7. **Point No.2 :** In view of above discussion, I proceed to pass the following;

ORDER

The application filed by the accused under section 311 of Cr.P.C. is hereby allowed.

PW-1 is recalled for chief examination.

To tender PW-1 for chief examination. Call on 17-07-2026.

**Prl. Senior Civil Judge
& C.J.M., Karwar.**