

Learned counsel for accused filed application under section 311 of Cr.P.C recalling PW.1 for the purpose of cross examination of PW.1.

2. In application it is contended that, the Complainant filed complaint against the accused, Under Section 138 of N. I. Act. This case is posted for Argument. In the above said case cross examination of the PW1 is made on behalf of the accused due to the accused fails to give full details of the case, and transaction to his council. The cross examination of the complainant PW-1 is very necessary to elicit some important facts, circumstance regarding alleged transaction and things. It is just and necessary to get answer on some important facts, and relevant facts, regarding alleged transactions, like the day, time, relation, capacity of the complainant and other details etc. Hence it is just and necessary to recall the cross examination of the complainant in respect of alleged transaction and liability of the accused. If the application for the recalling cross examination of PW-1 is not permitted

the accused will be put into great irreparable loss and injustice and inquest right of evidence and natural justice is curtailed. If the application is allowed no prejudice or harm would be caused to the other side hence application for recalling cross examination of PW-1 is necessitated. Hence prays to allow the application.

3. Learned counsel for complainant orally objected to the application.

4. Heard both learned counsel for complainant and accused.

5. Perused the material on record. on perusal of order sheet accused was not regular to the court and NBW issued against the accused several times, and accused taken sufficient time to cross examine P.W.1, but now the learned counsel for accused submits that if the accused not permitted to cross examine PW.1 he cannot prove his defence. Heard both counsels, the accused made out grounds to allow the application. Hence this court proceed to pass the following;

ORDER

Application filed by the learned counsel for accused under section

311 of Cr.P.C is hereby allowed on cost of Rs.2,000/-.

PW.1 is recalled for the purpose of cross examination. Counsel for accused is hereby directed to cross examine PW.1 on next date of hearing without seeking any adjournment.

Call On: 27.03.2026

Senior Civil Judge &
Prl. JMFC, Kumta.