

Learned counsel for accused filed application under section 311 of Cr.P.C to recall PW.1 for the purposed of cross examination of PW.1.

In application learned counsel for accused stated that, when the case is posted for cross examination of PW.1, accused not present before the court due to his illness and the counsel for accused also busy in another court, hence the counsel for accused not able to cross examination PW.1, non cross examination of PW.1 is not intentional one, hence if the application is not allowed hardship caused to accused. Hence prays to allow the application.

Learned counsel for complainant orally objected to the application.

Heard both respective counsel for complainant and accused.

Perused the application, and material on record. The present complaint filed in the year 2020. Record shows that since from a year the accused seeking time for cross examination of PW.1, the accused not make use of the opportunities

granted to him for cross of PW.1. But not come up with this application to recall PW.1 for the purposed of cross examination of PW.1, hence the application filed by the accused is hereby allowed on cost of Rs.2,000/- payable to TLSA Kumta.

PW1 is recalled for the purpose of cross examination.

Further learned counsel for accused is hereby directed to cross examine PW1 on next date of hearing without seeking any adjournment.

Call On: 26-02-2026

Senior Civil Judge &
Prl. JMFC, Kumta.