

IN THE COURT OF SESSION, ALAPPUZHA DIVISION AT CHERTHALA

Present: Ms.Lakshmy.S, Assistant Sessions Judge

Monday the 09th day of September, 2024/ 18th day of Bhadra, 1946

Crl.M.P.No. 357/2024 in S.C.No.113/2017

Crime No.450/2016 of Cherthala Police Station

C.P. No.39/2016 of JMFC-I, Cherthala

Complainant : State represented by the Sub Inspector of Police,
Cherthala Police Station.

(By Addl. Public Prosecutor)

Accused : A1. Kishore, S/o. Kunjumani, aged 20,
Chakkanattu Colony, Ward-VI,
Pallippuram Panchayath.

A3. Amal Sankar @ Appu, S/o. Vasavan,
Perumasserry Veedu, Pallippuram .P.O,
Ward No. VII, Pallippuram Panchayath,
(Abated).

A4. Sreejith @ Sreejesh, S/o. Sreenivasan,
aged 20, Kizhakkeveli Veedu, Pallippuram.P.O,
Ward-VII, Pallippuram Panchayath.

A5. Akhil, S/o. Asokan, aged 23,
Kulathinkalveli Veedu, Pallippuram.P.O,
Ward No. VII, Pallippuram Panchayath.

A6. Abijith @ Abhi, S/o. Asokan, aged 20,
Kulathinkalveli Veedu, pallippuram.P.O,
Ward No. VII, Pallippuram Panchayath.

(By Adv. P. Rajesh)

This case having been finally heard on 09.09.2024 and the Court on the same day passed the following

ORDER

The present petition is filed by the prosecutor to recall PW1.

2. The contention of the petitioner is that when PW1 was examined, the weapons could not be marked through him and hence he has to be recalled.

3. The respondents filed objection seriously opposing the application on the ground that prosecutor cannot be permit to file the lacunae. It is also submitted that the weapon was identified by PW1 and was marked as MO1 and hence S.311 Crpc cannot be invoked.

4. Heard both sides.

5. The petition is to recall PW1 who is an injured as well as prime occurrence witness in the case. His testimony would show that he could identify the weapons allegedly used by the accused in the occurrence. But it appears that the properties listed by prosecution was not confronted and marked through PW1 and only one weapon was brought to his notice. The same could only be an oversight. As PW1 a prime witness to the occurrence, the request of the prosecution is very much required for the proper adjudication of the case and for fair trail.

In the result CMP is allowed U/S 311 and PW1 is recalled.

Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court on this the 09th day of September, 2024.

Sd/-

**LAKSHMY. S,
ASSISTANT SESSIONS JUDGE**

APPENDIX:- NIL

Id/-

ASSISTANT SESSIONS JUDGE