

IN THE COURT OF THE SESSIONS DIVISION, PALAKKAD
Present:- Smt.Sujayamma. V.B, M.Sc.LL.B, Addl. Sessions Judge -III

Tuesday, the 19th day of August, 2025
(28th day of Sravana, 1947 S.E.)

Criminal Miscellaneous Petition Nos.4669/2025
& Criminal Miscellaneous Petition Nos.4670/2025
in SC No.562/2020

Petitioner/Accused

Arun Raj, S/o. Bharath Raj, Lavanyalayam, Karayangad,
Vadakkencherry, Alathur Taluk, Palakkad District.

Vs.

Respondent/Complainant:

1. State rep. by Public Prosecutor, Palakkad.
2. Excise Circle Office, Palakkad.

These applications coming on this day for orders, upon perusing the petitions and after hearing Sri.R.Ratheesh, Advocate for the petitioner and the learned Addl. Public Prosecutor on behalf of the State, this court passed the following:-

ORDER

Petitions are filed u/s.311 Cr.P.C

2. In Crl.MP 4669/2025 prayer is for reopening prosecution evidence and in Crl.MP 4670/2025 is to recall PW6. The reason stated in both these petitions is the prosecution evidence was closed on 28-07-2025 but during cross examination of PW6 the material contradictions were not put to PW6 and the contradictions were not marked. So for that purpose the present CMPs are filed.

3. The learned Addl. Public Prosecutor opposed the petitions stating that PW6 the Investigating Officer was cross examined in detail by the defence counsel and so the present petitions are not

at all allowable.

4. Admittedly PW6, the Investigating Officer was cross examined in detail on 28-07-2025 and the evidence was closed on that day. The reason in the petition is that the defence counsel omitted to record the contradictions of the Investigating Officer by putting the statement to PW6. But admittedly as per S. 311 Cr.PC the witness can be recalled only if evidence appears to be essential for just decision of the case. Now the learned counsel wants to reexamine the witness to put the contradictions. Piece meal cross examination is not permissible as per S. 311 Cr.PC and hence present petitions are devoid of merit and dismissed.

Dictated to the Confidential Assistant, transcribed and typed by him, revised and corrected by me and pronounced in open court, on this the 19th day of August, 2025.

**Sd/-
Sujayamma. V.B
Addl. Sessions Judge-III**

*Typed by : Vinod
Compared by : Haridas*

**Fair / Copy of Order in
CrI.MP Nos.4669 &
4670 of 2025
in SC 562/2020
Dated : 18-08-2025.**