

ORDER BELOW EXH. 41 IN R.C.C. No. 37/2019
(Vitthal Vs. Ram & others)

(CNR NO. MHLA130002262019)

The present application is filed by the complainant u/Sec. 311 of the Code of Criminal Procedure. By filing present application it is submitted by the complainant that the complainant has given his testimony in the Court. At the said time he could not bring some important information and documents on record, therefore, he may be allowed to examine himself again.

2. The ld. advocate for the accused filed say and submitted that the complainant was given opportunity to produce his documents as well as necessary information at the time of his testimony. The application does not come within the purview of Sec. 311 of the Cr.P.C. Therefore, application may be rejected.

3. Heard the ld. advocate for both the sides. Perused the record.

4. Before going to discuss the merits of the present application it is necessary to go through the provision of Sec. 311 of the Cr.P.C. The Sec. 311 enables the Court at any stage of inquiry, trial or other proceeding to do one of the three things 1) to summon any person as a witness, 2) to examine any person who is in attendance though not summoned, and 3) to recall and reexamine any person already examined.

5. Taking into consideration the above provision the present application is necessary to be decided. In the present case record shows that the complainant was examined below Exh. 36. Thereafter he was

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cross examined by the ld. advocate for the accused. In the present application the complainant has stated that he could not bring certain information and documents on record. But, the exact nature of information and documents is not mentioned in the application. The complainant had an opportunity to brought the necessary information as well as documents in his testimony. The complainant further having an opportunity to examine his witnesses. The application filed by the complainant is vague in nature as it doesn't disclose the reason for giving an opportunity for examining him again.

6. It is a settled principle of law that the Court can recall any witness, who is already examined, if there is any ambiguity. But, in the present matter the complainant has not stated in such ambiguity. Hence, the application filed by the complainant is devoid of merits. Hence, I proceed to pass the following order.

ORDER

Application is rejected.

Dated 25/11/2019

**(O. M. Mali)
Judicial Magistrate F.C., Renapur.**