

**R.C.C. No.280/2022**  
**State Vs. Rukhamini & Ors.**  
**CNR No.MHSO170021372022**

**Order below Exh.**

This is the application filed by accused to recall PW-2 Investigation Officer under Section 311 of Cr.P.C. for further cross-examination.

2. Perused application and say filed by Ld. APP. Heard both the parties. It is the contention of accused that, in the present case, as the prosecution could not secure the presence of informant and his wife, the prosecution has examined Investigation Officer as P.W.2. Thereafter, the prosecution succeed to secure the presence of informant and his wife. Now, the accused want to prove the contradiction and omission in the evidence informant and his wife on record. Hence, he prayed to recall PW-2 Investigation Officer.

3. On the other hand, Ld. APP resisted the application and argued that, the accused has got sufficient opportunity to cross-examine the said witness. Hence, he prayed to reject the application.

4. Perused record. The record shows that, initially, as the prosecution could not secure the presence of informant and his wife, on dated 16/07/2025 the prosecution has examined Investigation Officer as P.W.2. Thereafter, the prosecution succeed to secure the presence of informant and his wife. Now, the accused want to prove the contradiction and omission in the evidence informant and his wife on record. Hence, fair opportunity should be given to the accused. Hence, it would be just and proper to recall PW-2 Investigation Officer under Section 311 of Cr.P.C. for further cross-examination. Accordingly, I pass following order.

**Order**

1.	The application is allowed.
2.	Issue witness summons to witness P.W.2 I.O.

Date :- 16/01/2026

( V. C. Kshirsagar )  
Judicial Magistrate F. C.,  
(Court No.2), Madha.