

Order No. 82 dated 04.10.16

*The petitioner is present by filing hazira.*

*The O.P. took no step*

*Today is fixed for passing order in respect of the petition dated 22.08.16 under Section 311 of the Cr.P.C. of the O.P. with a prayer to recall P.W.1 on the ground stated therein.*

*The copy of the petition was served to the O.P. with strong objection.*

*Heard, perused and considered.*

*Ld. Advocate for the O.P. submitted that he got certain documents of the petitioner/P.W.1 and he is willing to adduce it in the evidence by way of further cross examination of P.W.1. He had given certain questions in the petition which he is willing to put to the P.W.1. Accordingly he prays for allowing the petition and permitting him to further cross examination of P.W.1.*

*Ld. Advocate for the petitioner raised objection and by filing written objection submitted that the questions reflected in the petition dated 22.08.16 of the O.P. have already been put to the petitioner during her cross examination. After extensive cross-examination of P.W.1 she was discharged.*

*On careful perusal of the record it appears that the questions reflected in the petition dated 22.08.16 of the O.P. clearly shows that those petitions have already been put for cross examination to P.W.1. Therefore, the Evidence Act clearly debarred from permitting further cross examination of the questions which had been already put. So, the instant petition is liable to be rejected.*

*Such rejection of the petition is not at all prejudicial to the either of the parties because the O.P. still have chance to prove the documents against the petitioner.*

*The case was at the stage of evidence of O.P.W.*

*Hence the instant petition under Section 311 of Cr.P.C. dated 22.08.16 is rejected on contest but without any cost.*

*Fix 22.12.16 for O.P.W.*

*Both the parties are directed to be ready on the next date for evidence of O.P.W.*

*J.M.*