

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

Crl.MC.No. 6953 of 2015

SC 597/2014 OF ADDITIONAL SUB COURT, PALAKKAD
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PETITIONER(S)/ACCUSED:

**PRAVEEN V.D., S/O.DHAMODARAN,
VAZHAPPILLY HOUSE, KAZHIMBARAM DESAM,
VALAPPAD VILLAGE, CHAVAKKAD TALUK,
THRISSUR DISTRICT.**

BY ADV. SRI.K.ANAND

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE EXCISE INSPECTOR,
KUZHALMANNAM RANGE,
PALAKKAD DISTRICT - 678 001.**

BY PUBLIC PROSECUTOR SMT.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
28-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

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Crl.M.C. No. 6953 of 2015

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Dated this the 28th day of October, 2015

O R D E R

The complaint of the petitioner is that in Sessions Case No.597/2014 pending before the Additional Assistant Sessions Court, Palakkad, the evidence was over and the matter was heard and thereafter, the court below on its own has recalled PW1 under Section 311 Cr.P.C. According to the petitioner, this is nothing but an attempt to fill up the lacuna in the prosecution case.

2. There is nothing wrong in the order passed by the court below. Under Section 311 Cr.P.C, the court has got ample power to summon and examine or recall and examine any witness, in case it is required for, a just decision in the case. Therefore, it cannot be contended that the said procedure adopted by the court below is erroneous. This Crl.M.C is devoid of merits and is only to be dismissed, and I do so.

The court below shall give sufficient opportunity to the petitioner to cross-examine PW1 further on the point, if any, that may be brought out.

This Crl.M.C is dismissed accordingly.

Sd/-
B.KEMAL PASHA, JUDGE

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