

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.13499 of 2015

ORDER:

The criminal petition is filed against the order dated 21.06.2016 in CrI.M.P.No.359/2016 in C.C.No.499/2007 on the file of the Judicial Magistrate of First Class at Manthani, by and under which, the petition filed under Section 311 Cr.P.C. to recall PWs 1 and 2 for further cross examination was dismissed.

By the impugned order, dated 21-06-2016, the learned Magistrate dismissed the petition filed by the petitioner-accused under Section 311 Cr.P.C. seeking to recall P.Ws.1 and 2 for the purpose of further cross-examination.

Heard the learned counsel for the petitioner-accused and the learned Public Prosecutor and perused the material available on record. It is represented by the learned counsel for the petitioner that P.W.2 is not necessary to be cross-examined further.

Considering the facts and circumstances of the case, this Court is of the view that ends of justice would be met if P.W.1 is recalled subject to the following conditions :

- (1) The petitioner/accused shall deposit an amount of Rs.3,000/- (rupees five thousand only) into the Court to be paid to P.W.1 as and when P.W.1. is present/produced before the Court;

- (2) The petitioner/accused shall deposit the process for issuing summons to P.W.1; and
- (3) That the petitioner/accused shall cross-examine P.W.1 as and when P.W.1 is present/produced before the Court without seeking adjournment. The entire process shall be completed within one month from the date of receipt of a copy of the order.

Accordingly, the Criminal Petition is disposed of. Consequently, the miscellaneous petitions pending in this petition, if any, shall stand closed.

Date: 22.09.2016
TJMR



M.S.K.JAISWAL, J