SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/1828/2026 Tek Chandra --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Ms. Rajni Rangwal, learned counsel for the applicant. Mr. N.S. Kaniyal, learned A.G.A. for the State of Uttarakhand. Mr. D.C.S. Rawat, learned Senior Advocate assisted by Mr. Deepak Sharma, learned counsel (through video conferencing), Mr. Harshit Bisht and Mr. Kamal Pandey, learned counsel for respondent no. 2. 2. The present C-528 application has been filed seeking to quash and set aside the impugned order dated 03.08.2026 passed by the learned First Additional Sessions Judge in Sessions Trial No. 13 of 2025, "State vs. Tek Chand", arising out of Case Crime relating to the offence punishable under Section 302 IPC, Police Station Kashipur, District Udham Singh Nagar, whereby the application moved by the applicant under Section 311 Cr.P.C. for recalling the witnesses for further cross-examination was rejected. 3. Learned counsel for the applicant submits that although PW1, PW2 and PW8 have already been cross-examined, certain relevant questions could not be put to them during their cross-examination. It is, therefore, contended that a further opportunity to cross-examine the said witnesses is necessary for the just decision of the case. 4. Per contra, learned Senior Counsel appearing for the respondent submits that the impugned order suffers from no infirmity warranting interference by this Court. He

submits that PW1, PW2 and PW8 have already been cross-examined and that the applicant, by moving the application under Section 311 Cr.P.C., is seeking to fill up the lacunae in the defence, which is impermissible in law. He further submits that the applicant is adopting delaying tactics, as an earlier application under Section 311 Cr.P.C. seeking recall and further cross-examination of PW2 had already been allowed, and the applicant has again moved an application seeking a similar indulgence.

5. Having considered the submissions advanced by learned counsel for the parties and upon perusal of the material available on record, this Court finds that the witnesses in question have already been subjected to cross-examination. The power under Section 311 Cr.P.C. is to be exercised where the evidence of a witness is essential for the just decision of the case and cannot be invoked merely to afford a party repeated opportunities to improve its case or fill up lacunae. In the present case, no sufficient ground has been made out to warrant interference with the impugned order, particularly in view of the fact that an earlier application seeking recall and further cross-examination of PW2 had already been allowed.

6. In view of the foregoing discussion, this Court finds no ground to interfere with the impugned order dated 03.08.2026 passed by the learned First Additional Sessions Judge in Sessions Trial No. 13 of 2025.

7. Accordingly, the present C-528 application is dismissed.

(Alok Mahra, J.)
26-10-2026

SHIKHA SHUKLA