
(2022) 12 MP CK 0139

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.55714 Of 2021

Akram @ Nanu Khan

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 22-12-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 311

Citation : (2022) 12 MP CK 0139

Hon'ble Judges : Sanjay Dwivedi, J

Bench : Single Bench

Advocate : Madan Singh, L.A.S.Baghel

Final Decision : Disposed Of

Judgement

Sanjay Dwivedi, J

By the instant application, the applicant is challenging the order dated 27/10/2021 passed by the trial court whereby the application filed by the present applicant under Section 311 of Cr.P.C has been rejected.

The Court has rejected the application on the ground that the witnesses who are to be called by the present applicant have already been cross examined and sufficient opportunity was granted to the counsel to cross examine them. They put sufficient question with those witnesses, therefore, their recall is not necessary.

Counsel for the applicant submits that some documents have been filed by the present applicant to indicate that cause of death is road traffic accident and those documents are on record.

Perusal of aforesaid documents reveal that the same have not been issued or prepared by the witnesses PW-1, PW-2 and PW-3 and, therefore, if they are called it would not serve the purpose for recalling them.

However, applicant/defence can produce their witnesses in support of the

defence so as to prove the document issued by a person or a doctor. If such witnesses are called by the present applicant, the permission will be granted by the Court below to adduce those witnesses and opportunity would also be granted for producing them.

With the aforesaid observation, application is disposed of.