

**IN THE HIGH COURT OF MADHYA PRADESH**  
**BENCH AT INDORE**

**(SB: Hon'ble Mr. Justice Alok Verma)**

**MCRC No.5550/2015**

Sunil Parmar S/o Jujhar Singh Parmar and others

Vs.

State of MP

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Ms. Bhagyashri Sugandhi, learned counsel for the applicants.

Ms. Mini Ravindran, learned counsel for the respondent/State

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**ORDER**

**(Passed on this 16<sup>th</sup> day of July, 2015)**

This application under section 482 of Cr.P.C. is filed challenging the order passed by learned First Additional Sessions Judge, Shujalpur, District – Shajapur in Sessions Trial No.58/2011 dated 25.06.2015 whereby, learned Additional Sessions Judge dismissed the application filed by the present applicants under section 311 of Cr.P.C.

The brief facts relevant for disposal of this application are that the present applicants are facing trial before learned First Additional Sessions Judge, Shujalpur, District – Shajapur. In this case, prosecution evidence has already been recorded and closed. After availing many opportunities to produce defence

evidence, this application was filed on 23.06.2015 for recalling PW-1 and PW-9. The ground for recalling them is stated to be that in the statements of these witnesses, they were not confronted with their statement under section 161 of Cr.P.C. Many omissions and additions were not brought in the knowledge of the prosecution witnesses and there are other minor facts like shape of sword, make of motorcycle etc. which were differently stated by various prosecution witnesses and, therefore, as per the averments made in the application, the applicants want to further cross examined the prosecution witnesses.

Learned Additional Sessions Judge observed in the impugned order that these witnesses were cross examined in detail and most of the points pointed out in the application were covered in their cross examination. He further observed that the application is only filed to delay the disposal of the case.

After going through the impugned order, I find no irregularity in not allowing the application under section 311 of Cr.P.C. Complete opportunity for cross examination of the prosecution witnesses was given to the defence counsel. They

were cross examined in detail and now giving further opportunity will only amount to filling of lacuna by the defence.

In this view of the matter, I find that this application is devoid of merit and deserves to be dismissed and is hereby dismissed.

C.c as per rules.

**(Alok Verma)**  
**Judge**

*Kratika/-*