

**COMMON ORDER BELOW EXH.68 AND 69**  
(Passed on 03.10.2024)

The accused has filed the application under section 311 of the Code of Criminal Procedure for recalling the witness and accordingly to issue witness summons. The complainant opposed the application by filing say on the overleaf of the application.

2. Heard both sides. Perused the record.

3. The learned advocate of the accused submitted that it is essential for the accused to produce evidence relating to the account statement of complainant who is having account in Bank of Maharashtra Branch University Amravati. The complainant denied the receipt of RTGS payments from the bank account of the accused. The complainant in cross-examination stated that he can produce account extract of his bank account, but he did not produce it. Therefore, in order to prove the account statement of the complainant, the accused prayed for recalling the bank witness.

4. The learned advocate of the complainant strongly opposed the application and submitted that the bank witness has been already examined by the accused and only to fill-up the lacuna the application for recalling is filed. There is no substantial ground to recall the witness. Hence, prayed for rejection of the application.

5. It is a matter of record that Branch Manager Sarthak Kishor Sud (DW2) is examined vide Exh.62. He deposed in respect of transfer

of certain amounts in the account of the complainant from the account of the accused. Said witness has cross examined by the complainant in which he stated that he could not able to state as to in which account the amount has been transferred without the help of system. It is the case of accused that he has transferred the amount in the account of the complainant. In order to clear the ambiguity the accused wants to prove the account statement of the complainant who the bank witness. If the bank witness is recalled, fair opportunity will be given to the accused to prove the account statement of the complainant which would be helpful for the just decision of the case. The submission that the application is filed by the accused for filling up the lacuna is not tenable. Hence, I pass the following order.

**ORDER**

1. Application Exh. 68 and 69 is allowed.
2. The witness is recalled.
3. Issue witness summons to the Bank Manager, Bank of Maharashtra Branch - University Amravati with direction to bring account statement of Pravin Rangrao Ghardinkar A/c. No.60022004865

Date : 03.10.2024  
Place: Amravati

(Salim A. Jamadar)  
Judicial Magistrate F.C.,  
Court No.1, Amravati.