

The power of the court under Section 311 of CrPC to summon and examine or recall and re-examine any material witness can be exercised at any stage, and the closing of prosecution evidence is not an absolute bar

The **Madhya Pradesh High Court (Indore Bench)** in the case of **Rahil Interprises vs Investikon Financial** [Miscellaneous Criminal Case No. 3176 of 2026] dated April 01, 2026, has held that the power of the court under Section 311 of CrPC to summon and examine or recall and re-examine any material witness can be exercised at any stage, and the closing of prosecution evidence is not an absolute bar. Rather, the determinative factor is whether the evidence is essential to the just decision of the case.

Thus, the Court ruled that allowing an application under Section 311 of CrPC to clarify inconsistencies regarding payments into different bank accounts for just and complete adjudication does not suffer from manifest impropriety or material irregularity, provided the accused is given an opportunity to controvert and rebut the proposed evidence, thereby causing no substantial prejudice.

The Court observed that the material on record indicates an amount of Rs. 33 lakhs were transferred to M/s Rahil Enterprises on Dec 12, 2018 from the account of M/s Investicon Financials through its proprietor Malay Nahar (HUF). M/s Rahil Enterprises paid Rs. 8 lakhs and Rs. 25 lakhs into the account of M/s Investicon Financials through its proprietor Malay Nahar (individual capacity) on the same day, meaning the amount was not paid into the same account.

The Court observed that the question of whether the accused had remitted the amount on the same day towards the same transaction in another account, or whether the deposit relates to another distinct transaction, would be determined on appreciation of evidence and overall circumstances. The Court noted that the trial court, in order to clarify the inconsistency regarding the payment into the other account and considering the circumstances, concluded that the proposed evidence is proper for just and complete adjudication of the dispute.

The Court observed that the exercise of discretion by the Trial Court cannot be said to be arbitrary or without application of mind. It further observed that the petitioner/accused will have the opportunity to controvert the proposed evidence and to rebut it by proposing defence evidence, hence no substantial prejudice would be caused to the accused. It also explained that the broad powers under Section 311 of CrPC are governed by the requirement of justice, and the power must be exercised wherever the court finds that any evidence is essential for the just decision of the case. The closing of prosecution evidence is not an absolute bar.