

CrPC S. 311 - The first part of the statutory provision is discretionary while the latter part is obligatory - Power can be exercised at any stage of any inquiry, trial or other proceeding under the CrPC S. 311 - Section 311 contains a power upon the Court in broad terms - The statutory provision must be read purposively, to achieve the intent of the statute to aid in the discovery of truth - The first part of the statutory provision which uses the expression “may” postulates that the power can be exercised at any stage of an inquiry, trial or other proceeding - The latter part of Section 311 states that the Court “shall” summon and examine or recall and re-examine any such person “if his evidence appears to the Court to be essential to the just decision of the case” - The latter part of the provision mandates the recall of a witness by the Court as it uses the expression “shall summon and examine or recall and reexamine any such person if his evidence appears to it to be essential to the just decision of the case” - Essentiality of the evidence of the person who is to be examined coupled with the need for the just decision of the case constitute the touchstone which must guide the decision of the Court. The first part of the statutory provision is discretionary while the latter part is obligatory.

[read here 2022 SCej 0916 , PLRonline 427509](#)