

IN THE COURT OF III ADDITIONAL CHIEF JUDICIAL
MAGISTRATE, AT BENGALURU

PRESENT
SRI.SIDDARAMA .S. M.A., LLM.
III ACJM, BENGALURU.

CC No.9129/2008

THIS IS THE 17th DAY OF FEBRUARY, 2026

Complainant: Sri.Rudregowda
(By Learned Sr. APP)
V/s

Accused person: Girivajra Chits Pvt. Ltd and Others

ORDER ON APPLICATION UNDER SECTION 311 OF Cr.P.C

The learned counsel for the complainant has filed the application under section 311 of Cr.P.C seeking recall the order dated 22.07.2024 and permit the complainant to lead his further evidence in the interest of justice.

2. In the application it is contended that the complainant Police have registered a case against the accused persons for the offences punishable under section 406, 418, 420, 425 and 120B of IPC. The Hon'ble Court was posted the matter for evidence on 22.07.2024 on that day the registrar of the companies directors list was not available, hence the list of the directors of the accused company on the date of the registration of the chit group and registration of the

complainant has not been marked. The registrar of the companies has issued the certified true copies of the list of directors and form No.32 produced by the accused company has been prepared and the said documents are very much necessary to prove the complainant case. Due to the above said bonafide reason the complainant is unable to lead his further evidence. Hence, it is just and necessary to recall order and permit the complainant to lead his further evidence by marking the documents issued by the Registrar of the Companies Karnataka Bangalore. He has got good case on merits, leading his further evidence is very much necessary for just and proper to decide of the above case and prayed to allow the application.

3. The learned counsel for the accused No.1 and 2 have filed the objection to the application U/Sec.311 of Cr.PC. It is contended in the application that the alleged cheque submitted before the Hon'ble Magistrate Court Criminal Complaint under section 138 of the Negotiable Instruments Act initiated by the Accused herein and the Complainant herein convicted. Hence, the Hon'ble Metropolitan Magistrate passed an order/judgment on the basis of the alleged cheque. Hence, it is very clear that return of the cheques or to the question of handing over the cheque of the Complainant does not arise. When the main prayer of the Complainant is not maintainable. The quest of further production of documents for proving the case does not arise. The documents in question mentioned in the above said application which has already been produced by the Accused by

disclosing all the names of the Director including the existing names of Directors. The said application has been filed with a sole intention to drag on the proceedings and also deviate the matter from the main matter. The application filed by the complainant is not maintainable either in law or on facts. Hence, prays to dismiss the application.

4. After hearing the parties and on perusal of records, the following points arose for my consideration.

1. Whether the application under section 311 of Cr.P.C filed by the complainant is deserves to be allowed ?

2. What order?

5 Heard the arguments both side and perused the available materials on records.

6. My findings to the above points are as follows:

POINT No.1: In the Affirmative.

POINT No.2: As per final order for the following:-

REASONS

7. **Point No.1** : In the application it is contended that on 22.07.2024 the matter was posted for the complainant evidence and mark the documents. On that day the registrar of the companies directors list was not available and could not able to produce. The said documents not producing is neither

intentional nor deliberate, but the same is in view of the bonafide circumstances.

8. According to the complainant he wants to mark the documents in further chief examination. Therefore, if he is permitted to give mark the documents in further chief examination, the court can decide the matter effectively.

9. U/sec. 311 of Cr.P.C reads as follows:-

Power to summon material witness, or examine person present. :- Any court may, at any stage of any inquiry, trial or other proceeding under this code, summon any person as a witness, or examine any person in attendance, though not summoned as a witness, or recall and re - examine, any person already examined and the court shall summon and examine or recall and re - examine any such person if his evidence appears to it to be essential to the just decision of the case.

As per the application filed by the complainant / CW-1 is required to further chief examination in the present case. By considering all the facts and circumstances of the case this court answered **Point No.1 in the Affirmative.**

10. Point No.2: For the reasons stated and finding given to **Point No.1** the following is made.

ORDER

The application filed by the learned advocate for the complainant/CW-1 under section 311 of Cr.P.C is here by allowed.

Further recalled the complainant / CW-1 for further chief examination.

(Directly dictated to the stenographer, transcribed by him, revised by me and after corrections, pronounced in the Open Court on this the 17th day of February, 2026).

III ACJM, Bengaluru.