

**ORDERS ON APPLICATION FILED UNDER
SECTION 91 OF Cr.P.C.**

This application is filed by the accused at the stage of further Cross examination of PW1. The present application is filed under section 91 of Cr.P.C by seeking summoning of documents.

2. On the other hand, the complainant has filed statement of objection to the present application contending that the application is false and filed only to harass the complainant. The burden is on the accused in order to prove whether she has paid amount to the complainant or not and the present application is only filed to harass this complainant. Hence prays to reject the application.

3. Heard both side and perused the materials available on record.

4. It is the case of the complainant that on 20.07.2023 the accused has borrowed a sum of Rs.7,50,000/- from the complainant and issued a post dated cheque 22.08.2023, for a sum of Rs.7,50,000/- during the cross of PW1 he has denied that he has worked as agent under accused herein but admitted that accused person has deposited amount to his account under gold loan scheme, but further states that the said transaction has nothing to do with this case. Further complainant contends that, complainant has denied that amount transacted from gold loan scheme has been deposited to IDFC bank and he has no impediment to produce

the account statement of having last digit as "7101". By looking into the cross-examination of PW1 the accused has felt that the complainant is suppressing some real fact and in order to prove his case it is necessary to summon the bank statement of complainant and prays to summon the said document by filing the present application. On considering the application and objection this court is of opinion that if the opportunity for summoning the document in support his case is refused, then it may lead the accused for injustice. Therefore, this Court proceed to pass the following.

ORDER

Application filed by the accused under Section 91 of Cr.P.C., is allowed.

Issue summons to the Karnataka Bank Limited, Gonibeedu Branch seeking summoning of statement of bank account number 2532500101517101, from 01.01.2023 upto 31.12.2023.

Call on 17.09.2025.

SD/-
**ADDL. CIVIL JUDGE & JMFC.,
MUDIGERE.**