

**Orders on Application under
Sec.311 of Cr.P.C.**

The counsel for complainant has filed this application U/sec.311 of Cr.P.C along with two bank passbooks, notary copy of Pan card, loan payment certificate, accounts statement and notice issued by National Highway Authority.

2. In the application it is submitted that the complainant has already lead evidence and cross-examined and now case is posted for final arguments and now she intends to produce certain documents which are bank statement and other documents and for that reason submits to allow application and to recall the stage for further cross-examination.

3. On other hand, accused has filed objection submitting that application is filed at this belated stage when case is posted for arguments and moreover he had filed the application to summon the witnesses who are necessary to prove execution of agreement and same is objected by complainant which clearly goes to show that the intention of the complainant is not to prove the case of accused.

4. Further it is submitted that the complainant has now come up with the application contending that she is a poor women and only

earning member of the family which itself goes to show that the complainant has no financial capacity to pay the loan amount and the documents intended to be produced are not at all essential and for that reason submits to dismiss the application.

5. Heard and perused.

6. The complainant has filed this complaint U/sec.200 of Cr.P.C to take cognizance against the accused and to punish the accused for the offences punishable U/sec.138 of Negotiable Instrument Act.

7. After service of summons the accused appeared and got enlarged on bail and on behalf of complainant she has got examined as PW.1 on 8.07.2022 and on 20.07.2023 and partly cross-examined on 18.07.2024 and again on 26.03.2025 and again on 11.04.2025 and thereafter case was posted for defence evidence, but the accused has not appeared to lead defence evidence and accordingly NBW came to be issued and same was recalled on 28.02.2026 and defense evidence taken as nil and case was posted for arguments.

8. Further meanwhile the accused appeared and got recalled NBW and had filed application U/sec.311 of Cr.P.C., which was objected by complainant and said application came to be dismissed on 7.04.2026 and thereafter case was posted for arguments to 7.05.2026.

9. Further on 7.05.2026 counsel for complainant present and has

stated that to advance argument and accordingly case was posted for arguments to 14.05.2026, but on 14.05.2026 he has filed present application along with documents and on perusal of documents produced along with application U/sec.311 of Cr.P.C., same goes to show that two passports, Pan card and loan statement was available with complainant before leading evidence and also though the account statements obtained on 13.05.2026, but the statement is forthcoming from 1.01.2021 till 30.12.2021 and for that reason the complainant had every opportunity to produce the documents at the time of examination in chief itself, but she has not produced the document and when case was posted for argument she has produced the documents without any proper reason and for that reason application U/sec.311 of Cr.P.C., cannot be allowed at this belated stage without proper reason and accordingly I proceed to pass the following;

ORDER

Application filed under Sec.311 of Cr.P.C. by the complainant is dismissed.

No order as to costs.

**Senior Civil Judge & J.M.F.C.,
Bantwal, D.K.**