

ORDER

The complainant has filed a memo praying to discard the evidence of the accused filed by way of affidavit.

It is stated in the memo that this Court has received the evidence of the accused through affidavit. The complainant has relied upon the judgment of the Hon'ble High Court of Karnataka in W.P. No.3519/2024 (GM-RES) dated 19-07-2024, wherein it is stated that the evidence of the accused through affidavit shall not be accepted.

Perused the memo and the copy of the judgment produced by the complainant. In criminal proceedings, the evidence of the accused is required to be recorded before the Court in accordance with the procedure prescribed under the Code of Criminal Procedure. The accused cannot lead evidence by way of affidavit unless specifically permitted under law.

In view of the law laid down by the Hon'ble High Court and in the interest of justice, the evidence of the accused filed through affidavit cannot be accepted.

Accordingly, the memo filed by the complainant is allowed.

The affidavit evidence filed by the accused is hereby discarded. The accused is at liberty to lead evidence before the Court in accordance with law.

For D/E

Call on 18.06.2026

**Prl. Civil Judge & J.M.F.C.,
(C/C) Sullia, D.K. 04.03.2026**