



IN THE COURT OF THE CIVIL JUDGE & JMFC, AT BYADGI.

Present: Sri. Suresh Wagganavar, MA. LL.B., (Spl)

Civil Judge & JMFC, Byadgi.

Dated this the 22nd day of November, 2025

C.C.No.178/2023

Yashsiwini D/o Malatesh Anaveri
R/o: Byadgi, Tq: Byadgi.

(By Sri.P.C.S., Advocate)

.... Complainant

-VS-

Chandrashekar Goneappa Chikkannanavar
R/o: Byadgi, Tq: Byadgi, Now at Bangalore.

(By Sri.B.S.C., Advocate)

.... Accused

**ORDER ON APPLICATION U/Sec.311 AND 91 OF
CRPC**

1. The counsel for complainant has filed this application U/Sec.311 of Cr.PC, seeking permission to recall PW-1 for further chief examination for the purpose of marking the



documents in the interest of justice.

2. In the application the complainant has stated that at the time of evidence, some documents are not marked. The said documents are concerning to the transaction in between complainant and accused. To prove the case of the complainant, she has adduced documentary evidence. Hence, prays to allow the application.

3. Per contra, the counsel for accused has filed objection to the present application. The counsel for accused has stated that the application filed by the complainant is false, frivolous and vexatious and not maintainable either under law or on facts. The complainant has already examined and cross examined by counsel for the accused. The complainant has stated that, the Ex.P.1 was filled up by her uncle Prakash. Her father has advanced loan of Rs.2,50,000/- to the accused on 08.02.2021. Further stated that, her father has taken four blank cheques from the accused, at the time of advancing loan to the accused.



The complainant has filed this application with an ulterior motive to harass the accused and cause delay in disposal of the case and miss-guiding the Court. The documents produce by the complainant is not at all helpful to the complainant case in disposal of the case. Hence, prays to reject the application.

4. Heard arguments from both side. Perused the material on record. On the basis of the averments and on arguments of counsel, the following points that arise for my consideration: -

POINTS

1) Whether the complainant has made out a case for allow the application U/Sec.311 and 91 of Cr.PC?

2) What order ?

5. My answer to the above points are as under:

Point No.1	:	In the affirmative and
Point No.2	:	As per final order for the following:

**REASONS**

6. Point No.1:- It is to be noted that, in order to adjudicate the matter effectually and conclusively, it is necessary to give an opportunity to the complainant for produced the documents. On perusal of documents and case papers, it reveals that both parties have liberty to prove their case by producing necessary documents and oral evidence. The accused is at liberty to cross examine the complainant on documents. Hence complainant has sufficient reason to allow the IA and if the said application is allowed, no hardship will be caused to the accused. Admittedly, the complainant has filed this application after lapse of two years. Hence, the accused has entitled cost from the complainant. Accordingly, I answer **Point No.1 in the Affirmative.**

7. Point No.2:- In view of the aforesaid reasons, I proceed to pass the following:



ORDER

**Application filed by the complainant
U/Sec.311 and 91 of Cr.PC, is hereby
allowed on cost of Rs.500/- subject to
payment of cost to the accused.**

**For further chief of PW.1 by:
06.12.2025.**

(Dictated to the Stenographer directly on computer, corrected by me and then pronounced in the open court on this the **22nd day of November, 2025**)

**Sd/-
(Suresh Wagganavar)
Civil Judge & JMFC,
Byadgi.**