

KAHV210011632024



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C.C.No.734/2024

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 31st day of October-2025

C.C.No.734/2024

Hajaratli S/o Babusab Halageri
R/o: Sangameshwar Nagar, Byadgi,
Tq: Dist: Haveri.

(By Sri.G.A.N., Advocate)

.... Complainant

-VS-

Subhas Topanna Nejakar
R/o: Haveri, Tq: Dist: Haveri.

(By Sri.M.C.H., Advocate)

.... Accused



ORDER ON APPLICATION U/Sec.348 of B.N.S.S.

1. The counsel for complainant has filed this application U/Sec.348 of BNSS, praying to permit the complainant for production of documents and give evidence in the interest of justice.
2. In the application, the counsel for complainant has stated that, at the time of evidence of complainant he has not produced some documents. The statement of complainant is adjudicated the matter in dispute. The said documents are concerning to the present case. Hence, prays to allow the application.
3. Per contra, the counsel for accused has filed objection to the present application. Wherein it is contended that the documents produced by the complainant is not the relevant documents. The said case was posted for arguments, at this



stage the application filed by the complainant is not maintainable. The complainant has not explained the delay. The complainant has not filed this application U/Sec.91 of Cr.PC. As per the Judgment of Hon'ble Supreme Court in Natash Singh V/s CBI (2013) 5 SCC 741 and Mohanlal Sanjisoni V/s Union of India (1991) 1 SCC 271 the application is not maintainable. Hence, prays to reject the application.

4. Heard the 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.348 of BNSS?
- 2) What order ?

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



Point No.1 : In the Affirmative
Point No.2 : As per final order for the
following: -

REASONS

6. Point No.1:- The whole facts of the case is already narrated at the inception of this order. Therefore, repetition of the same is avoided here.

7. The present application is filed by the complainant praying to permit him to produced documents and give evidence. The complainant has stated that the above said documents are prove the transaction in between complainant and accused.

8. On going through the records, it is seen that the complainant has not produced the account statement at the time of evidence. In this case the complainant and accused have prove their case by examine the witnesses, production of documents before this Court. Therefore, the reasons assigned



by complainant is satisfied. Therefore, in order to avoid multiplicity of proceedings, I feel it is just and proper to give an opportunity to the complainant to produced documents and give evidence. The accused has liberty to cross examine the PW.1 on the documents. Accordingly, I answer the above **Point No.1 in the Affirmative.**

9. Point No.2:- for the above said discussions, I proceed to pass the following:

ORDER

The application U/Sec.348 of BNSS, filed by the complainant is hereby allowed on cost of Rs.500/-.

The documents produced by the complainant taken on record.



The PW.1 is recalled for further
evidence.

(Dictated to the Stenographer directly on computer, corrected by me and then
pronounced in the open court on this the **31st day of October-2025**)

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