



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 02nd day of July-2024

Criminal Miscellaneous No.78/2021

1. Smt.Purnima @ Nirmala W/o Manjunath Sullolli
R/o: Dharwad, Tq:Dist: Dharwad,
Now residing at Kakol Road Byadgi, Tq: Byadgi,
Dist: Haveri.
2. Kirti D/o Manjunath Sullolli
R/o: Dharwad, Tq:Dist: Dharwad,
Now residing at Kakol Road Byadgi, Tq: Byadgi,
Dist: Haveri.
Since minor M/G represented by her natural
mother petitioner No.1 by name
Smt.Purnima @ Nirmala Sullolli.

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

.... Complainant

-VS-



Manjunath S/o Punyavantappa Sullolli
Assistant Director of Information and Public
Relations. T.D.B Building, Bagalkoti,
Tq: Bagalkoti, Dist: Bagalkoti-577001.

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

.... Accused

ORDER ON APPLICATION U/Sec.91 OF Cr.P.C

1. The counsel for petitioners have filed this application U/Sec.91 of Cr.PC, permitted to petitioners for production of documents and issue summons to the ಹಿರಿಯ ಸಹಾಯಕ ನಿರ್ದೇಶಕರು, ವಾರ್ತಾ ಮತ್ತು ಸಾರ್ವಜನಿಕ ಸಂಪರ್ಕ ಇಲಾಖೆ, ಡಿ.ಸಿ.ಕಂಪೌಂಡ ಧಾರವಾಡ ಜಿಃ ಧಾರವಾಡ in the interest of justice and equity.

2. In the application, the counsel for petitioners have stated that, the respondent is doing Assistant Director of Information and Public Relations at Dharwad. He is having monthly salary of Rs.60,000/- from his earning. He is intentionally neglected his wife and daughter. To prove the case of the petitioners, the



salary certificate is necessary for adjudication matter in dispute. Hence, prays to allow the application.

3. Per contra, the counsel for respondent submit no objection.

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 petitioners have made out a case for allow the application U/Sec.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:- 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 petitioners permit to the petitioners for production of documents and issue summons to the higher authority of respondent to produced details of respondent. As per Section 91 of Cr.PC, whenever any Court or any officer in-charge of a police station considers that the production of any document or other thing is necessary for the purpose of trial or other proceedings, such Court may issue a summons to produced the said documents. It is true that the Court being the master of the proceedings must determine as to whether the application filed by the petitioners are bonafide or not. In this case, the petitioners have stated in their application that they have filed right to information application before higher authority of respondent. The higher authority of respondent have not furnished the



information of respondent. The said documents are concerning to this petition and permit them to produce the said documents. The petitioners have issued right to information application to the higher authority of respondent and the authority has issue endorsement stating that they have not supply the details of respondent. The said salary certificate is required to prove the income of respondent. The petitioners are unable to collect the information of salary certificate of respondent. The aid of Court is necessary to produced the above said documents to prove the same. Therefore, in order to avoid multiplicity of proceedings, I feel it is just and proper to give an opportunity to the petitioners to produced documents as per application and the petitioners are shown sufficient reasons to issue summons. **Accordingly, I answer the above point No.1 in the Affirmative.**

8. Point No.2:- for the above said discussions, I proceed to



pass the following:

ORDER

**The application U/Sec.91 of Cr.PC.,
filed by the petitioners is hereby allowed.**

**The petitioners are permitted to
produced documents as per list.**

**Issue summons to ಹಿರಿಯ ಸಹಾಯಕ
ನಿರ್ದೇಶಕರು, ವಾರ್ತಾ ಮತ್ತು ಸಾರ್ವಜನಿಕ ಸಂಪರ್ಕ ಇಲಾಖೆ,
ಡಿ.ಸಿ.ಕಂಪೌಂಡ್ ಧಾರವಾಡ ಜಿ: ಧಾರವಾಡ to produced
salary slip of respondent from April-2023 to
March-2024 by RPAD.**

**The petitioners are hereby directed to
paid PF and RPAD cover without fail.**

(Dictated to the Stenographer directly on computer, corrected by me and then
pronounced in the open court on this the **02nd day of July, 2024**)

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

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