



**IN THE COURT OF THE JUDICIAL MAGISTRATE FIRST
CLASS, SAVANUR**

Present : **Sri. SRINIVASA. S. N.**
B.A., LL.M.,
Civil Judge and JMFC.,
Savanur.

CC No.699/2022

Dated this the 23rd day of October- 2025

Complainant : Gousemohiuddin S/o Budansab Karajgi

[By Sri Sadik Kanavi, Advocate]

Vs

Accused : Gafarsab S/o Allabakash Hullikatti

[By Sri M.H.Jakati, Advocate]

**ORDER ON APPLICATION UNDER SECTION 340 OF CR.P.C
FILED BY THE ACCUSED**

The Accused counsel has filed the present application under Section 340 of the Cr.P.C., alleging that the complainant and the concerned court staff have tampered with the official court records. It is contended that certified copies of case papers obtained on 17-01-2023 contained page numbers 15 to 18 and 22 in original sequence, whereas in the certified copies obtained on 15-07-2025, page No. 22 was rounded off, renumbered and corrections were made. It is further alleged that two stamp papers



of Rs.500/- and Rs.100/- dated 22-04-2021 were inserted later into the case record without permission of court. Hence, the applicant prays to initiate action under Section 340 Cr.P.C., against the complainant or concerned judicial staff in regard of the same.

2. The complainant counsel has filed objection to the said application and denied the contents of the application. He contended that the alleged stamp paper documents has been filed during the time of institution of complaint and same is well within the knowledge of accused. Further prays to conduct a fair and impartial inquiry into alleged tampering of court records or if in the event it reveals no tampering of records, then accused may be tried and punished for contempt of court for making false allegation.

3. Later this court has issued notice to the concerned judicial staff. The concerned judicial staff has given reply to the said notice and stated that after passing of Judgment of these cases i.e., CC NO.699/2022 and CC No.700/2022 dated 30-05-2023, at the time of sending records to before the Hon'ble Addl. District and Sessions Court, FTSC-I, Haveri, there was a mistake while numbering of pages. After that same is rectified and corrected. In regard of the stamp paper documents, those documents were not



marked, hence those documents were kept in B file. Thereafter same was sent to Hon'ble District Court.

4. Heard both sides and perused the materials on record.
5. The following points arise for my determination.

POINTS

1. Whether the Accused has made out sufficient grounds to initiate an inquiry under Section 340 Cr.P.C., against the complainant or Court staff for alleged tampering of court records ?
 2. What order?
6. My answers to the above points are as here under:
- Point No.1 : In the Negative.
- Point No.2 : As per final order for the following;

: REASONS :

7. **POINT NO.1:-** The Complainant has filed this complaint against the accused U/Sec.200 of Cr.P.C. for the offence punishable U/Sec.138 of NI Act. After hearing the matter, this court has passed the order and convicted the accused for the offence punishable under section 138 of NI Act dated 30-05-2023.
8. Thereafter the accused preferred an Appeal before the Hon'ble Addl. District and Sessions Court, FTSC-I, Haveri, in Crl.App.No.81/2023. After hearing the appeal, the Hon'ble



Appellate Court vide order dated 22-01-2024 has remanded the matter by setting aside the order of this court dated 30-05-2023.

9. The present application has been filed by the accused counsel under Section 340 of Cr.P.C., alleging that the complainant or the concerned court staff have tampered with official court records by altering page numbers and inserted two stamp papers dated 22-04-2021 in the court records. It is the contention of the accused counsel that such tampering came to his knowledge only when he obtained certified copies on 15-07-2025, as the page numbers differed from the earlier set of certified copies obtained on 17-01-2023. Before initiating inquiry under Section 340 Cr.P.C., the court must be satisfied that there exists a prima facie case of forgery or fabrication or tampering of documents regarding proceedings of the court to conduct such inquiry.

10. In the present case, it is admitted that after the judgment passed in C.C.No.699/2022, the case records were transmitted to the Hon'ble Additional District and Sessions Court, FTSC-1, Haveri, in Criminal Appeal No.81/2023. The concerned court staff, in their reply to notice, have clarified that due to oversight, a clerical mistake has been occurred in numbering the pages and



the same was corrected before transmission of records. It is also explained that the two stamp paper documents were not marked during trial due to insufficient stamp duty, hence, as per court procedure, they were kept in the B-File as unmarked documents. This explanation appears reasonable and consistent with record maintenance procedure of criminal courts.

11. Furthermore, it is clearly reflected in paragraph 16 of page 15 of the original judgment of this Court that the complainant had produced two unregistered agreements dated 22-04-2021. These documents were acknowledged on record by this Court even before the present application was filed. The said documents were not marked as they were insufficiently stamped. Therefore, the allegation that the stamp papers were inserted later appears to be without any basis. The accused has not produced any material evidence to show deliberate tampering or fabrication of court records by either the complainant or the court staff. Mere difference in page numbers between two sets of certified copies, cannot by itself give rise to a presumption of tampering unless supported by cogent proof.

12. It is well settled that proceedings under Section 340 Cr.P.C., are not to be initiated mechanically or as a matter of course. The



provision is intended to prevent abuse of process of court and to protect the purity of judicial proceedings. In the absence of any prima facie material to show that an offence affecting administration of justice has been committed, initiation of inquiry would be unwarranted. The Inquiry under Section 340 Cr.P.C. should be ordered only when it is expedient in the interest of justice and not merely because a party makes allegations against another. In the present case, no such expediency is made out. Accordingly, this Court is of the considered view that no prima facie grounds are made out to initiate proceedings under Section 340 Cr.P.C. Hence, the application deserves to be rejected. Therefore I answer **point No.1 in the Negative.**

13. Point No.2: In view of the above discussion this court proceed to pass the following,

ORDER

**The application filed U/Sec.340 of
Cr.PC by Accused is hereby rejected.**

(Dictated to stenographer computer, corrected, signed and then pronounced by me in the open court on this the 23rd day of October, 2025)

**(SRINIVASA.S.N)
Civil Judge & JMFC,
Savanur.**