

**ORDERS ON APPLICATION FILED UNDER
SECTION 311 OF CR.P.C.**

The present application is filed by the accused at the stage of defence evidence. This application is filed under section 311 of Cr.P.C seeking to summon the witness.

2. The accused has contended that the complainant had given him a sum of Rs.60,000/- to hand it over to some other person for transactional purpose, when the proposed witness had been to Mysore University for examination and the cheque in question does not hold any legally enforceable debt. The said witness is the wife of complainant and therefore to substantiate the defence, examination of the proposed witness is vital and absolutely necessary. On these grounds, the accused seeks for allowing the application.

3. On the other hand, complainant has filed the statement of objections to the present application contending that the accused having raised illegal objections, is seeking to summon the complainant's wife to adduce evidence. The proposed witness is no way consent to the present case and the application is filed to drag the matter. On the above contentions, complainant has sought for rejection of the applications.

4. Heard both side, perused the written arguments filed by the accused and also perused the materials available on record. Now, the points that arise for consideration of the above application are as follows:

- 1) Whether the accused has made out sufficient grounds to summon the witness as sought for?
- 2) What Order?

5. The findings of this Court on the above points are as under:

Point No.1: In the Negative

Point No.2: As per order for
the following:

REASONS

6. POINT NO.1: This is a case against the accused for the alleged offence punishable under Section 138 of N.I. Act. It is when the matter stood for defence evidence, the present application is filed seeking to summon the proposed witness. The only ground urged in support of the present application is that the complainant had given a sum of Rs.60,000/- to the accused to hand it over to some other person when the proposed witness had been to Mysore University for examination and hence the examination of proposed witness is necessary. But

the accused has not shown as to how the said alleged transaction is connected to the present case and how the evidence of proposed witness is relevant to the case on hand. Thus, the present application being devoid of merits requires to be dismissed. Hence, point No.1 is answered in the **Negative**.

7. POINT No.2: In view of the above findings on point No.1, this Court proceed to pass the following:

ORDER

Applications filed by the accused under Section 311 of Cr.P.C., is hereby dismissed.

For defence evidence without fail by
07.07.2026.

sd/-

(VISHWANATH.A)
PRL. CIVIL JUDGE & JMFC.,
VIRAJPET