

Order on applications filed u/s.91 of Cr.P.C.

The counsel for the Accused has filed this application U/sec.91 of Cr.P.C., with a prayer to permit him to produce the Certificate u/s.65B of Indian Evidence Act to consider CD produced before this court. The very application is objected by the Complainant with a prayer to reject the same.

2. In the application the Accused submitted that he being the member of Complainant Chit Fund went to the office of the Complainant and his brother-in-law on 28.02.2025, in afternoon at about 12-20 p.m., to provide his account details. The said account details are very much helpful for the case of accused. But the complainant has refused and denied to give said details to the accused. The said situation is recorded by the brother in law of the Accused in his mobile. The said recording was stored in the C.D. Hence the accused intends to produce the said C.D along with 65(B) Certificate. If the application is not allowed, he would be put to great hardship and loss. Therefore, it is prayed to allow the application in the interest of justice.

3. On the other hand, the complainant side adopted the earlier objections to the similar application, wherein it is stated that the Accused has already taken sufficient

opportunity to lead his evidence. After completion complainant side evidence the case was posted for defence evidence. The certificate produced by the accused is not related to this case. The aforesaid application is filed only to drag on the proceedings. The Accused has filed this application to protract the proceedings. Hence, prayed to reject the application.

4. Perused the applications, objections and materials placed on record. In this matter, this court has posted the case for evidence of defence. It is right of every party to produce the documents to prove their case. In this case also the accused intends to produce the Certificate in evidence u/s.65(B) of the Evidence Act on his behalf. If the application is allowed and accused is permitted to produce the Affidavit filed in lieu of Certificate submitted u/s.65B of Indian Evidence Act sworn by the Photographer and Proprietor of Sai Photo Studio, then the complainant will get opportunity to cross examine the Accused on that Affidavit/ Certificate. If the application of the accused is not allowed, injustice will be caused to accused. In this regard, I am of the opinion that the Application filed by the Accused deserved to be allowed. Hence, I proceed to pass the following:-

ORDER

The Application filed by the counsel for the Accused u/s.91 of Cr.P.C is hereby allowed.

The Affidavit filed in lieu of Certificate submitted u/s.65B of Indian Evidence Act produced along with the application is taken on record.

(Pronounced by me in the open court on this the 15th Day of November, 2025.)

Senior Civil Judge, Kushtagi.