

KAMD400004412025



**IN THE COURT OF SENIOR CIVIL JUDGE & JMFC.,
MALAVALLI.**

Present :Sri. Mahendra. M., B.A., L.L.B.,
Senior Civil Judge and J.M.F.C,
Malavalli.

Dated : This 25th day of November - 2025

CC No.106/2025

Complainant : **Sri. Shankara.B**
S/o Late Basavaiah
Aged about 67 years
Retired KPTCL Employee
R/o. Door No. 161, 6th Cross,
15th Ward, Keerthinagara,
Malavalli Town, Mandya District.

(By Sri.V.N., Advocate)

V/s

Accused : **Sri.Ninganna**
S/o Late B. Rachaiah
Aged about 68 years,
Retired KPTCL Employee
R/o. C/o N. Ravi, Driver-BMTC,
34th Depot, Konanakunte Cross,
Bengaluru.

Presently R/at Sri. Mruga Maramma
Temple Road,
Ranganatha Extension, Harohalli
Village, Kanakapura Taluk,
Ramanagara District.

(By Sri. H.V.P., Advocate)

I	<i>Provision under which the application is filed</i>	<i>Under Section 66 r.w.s. 162 of Indian Evidence Act.</i>
II	<i>Relief sought for</i>	<i>Production of documents</i>
III	<i>The date on which the application is filed</i>	<i>25.10.2025</i>
IV	<i>Number of the application</i>	<i>Nil</i>
V	<i>The date on which the objection are filed by deferent opponents</i>	<i>29.10.2025</i>
VI	<i>The date on which the orders were passed on the said application</i>	<i>25.11.2025</i>

**(Sri. Mahendra M.)
Senior Civil Judge & JMFC.,
Malavalli.**

**ORDERS ON APPLICATION FILED BY ACCUSED
U/SEC. 66 R/W/S. 162 OF INDIAN EVIDENCE ACT.**

The Accused has filed an application under section 66 r.w.s. 162 of Indian Evidence Act seeking direct to complainant to produce the admitted documents stated in the application.

2. The averments of the application filed by accused are as follows:

The Complainant has filed the present case against the accused U/s. 200 of Cr.P.C. punishable under section 138 of NI Act. There is no transaction between complainant and accused. The complainant concocted the said cheque colluded with third person. The complainant have no lending capacity of such huge amount. During the cross examination the complainant admitted that, ready to produce the sale deed and other documents. The said documents in possession of the complainant. Hence, the complainant hereby called upon take a notice to produce the admitted documents which are in possession of the complainant. **Hence filed this application.**

3. The learned counsel for the complainant has filed an objection to application and contended that, the application filed by the accused is not maintainable under the law the same is liable to be dismiss in limine. The complainant further contended that, the accused cannot

demand as a matter of right to produce the documents by the complainant. The documents called by the accused are irrelevant to consider in the case. The provisions under section 66 r.w.s. 162 of Evidence Act cannot be an procedural law, it is an act that, basis the above notice is not sustainable in the eye of law. Already the cross examination has been closed, now the accused in order to drag on the proceedings filed this application. **Hence, prayed that dismiss the application filed by the accused with cost.**

4. The following points are arose for consideration of this court.

1. Whether the application filed by the accused under Section 66 r.w.s. 162 of Indian Evidence Act is deserves to be allowed ?

2. What Order?

5. Heard the arguments from learned counsels for complainant and accused.

6. This court has perused the material available on record. The findings of this court on the above points as follows:

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 the private complaint against the accused under section 200 of CRPC punishable under section 138 of NI Act in the year 2022. The accused appeared through his counsel. The case was posted for cross examination of PW1 on 23.08.2025. The accused has took several adjournments for cross examination of PW1. Finally, on 25.10.2025, the complainant was cross examined. On that day the accused has filed present application.

8. In the present case on hand, the burden lies on the complainant to prove his complaint averments. If the complainant failed to prove the complaint averments

finally the accused will be acquitted. This court cannot directed to complainant to prove his case by filing proposed documents. The application filed by the accused is not maintainable under any law. Hence, it is deserves to be dismissed. **With these observations, this Court has answered Point No.1 in the Negative.**

9. **POINT No.2:-** For the aforesaid discussion on point No. 1, this Court proceeds to pass the following:

ORDER

The application filed by the accused U/sec. 66 r.w.s. 162 of Indian Evidence Act is hereby rejected.

(Dictated to the Typist, directly typed by her on the computer, order corrected and then pronounced by me in the open Court on this the **25th day of November, 2025**)

**(MAHENDRA M)
Senior Civil Judge & JMFC.,
Malavalli.**