

Order on application U/sec 91 of Cr.P.C

The prosecution has filed the application U/sec 91 of Cr.P.C by directing the Sub-registrar, H.D.Kote to produce certified copy of agreement dated 28.10.2017 registered before Sub-registrar office, H.D.Kote.

2. It is stated in the application that the accused had induced the plaintiff by saying that he will give compensation and told not to lodge complaint against him and entered into an agreement. Subsequently the accused did not pay the compensation amount and therefore the complainant has given complaint belatedly. The marking of said agreement of sale is very much necessary to establish the case of prosecution. Hence prayed to allow the application.

3. The counsel for the accused submitted no objection to the application.

4. Heard the arguments of learned prosecution and counsel for accused.

5. The prosecution has filed present application to direct the Sub-registrar, H.D.Kote to produce copy of agreement entered into between the complainant and accused dated 28.10.2017 wherein the accused had agreed to give compensation to the present complainant. The prosecution has already examined the complainant before the court and the said witness during his cross-examination categorically deposed that an agreement was entered into between himself and accused and he had agreed to pay the compensation to him but the

accused failed to give the said compensation as agreed by him. By considering the said oral evidence of PW-1 it is clear that an agreement was entered on 28.10.2017. Now the prosecution has filed application to direct the Sub-registrar, H.D.Kote to produce copy of said agreement before this court. Since the PW-1 has deposed that the accused had agreed to give compensation and when he failed for the same, he lodged the complaint belatedly. In order to establish the said fact and also to link the said allegation to the accused, it is necessary to summon the said document from the Sub-registrar, H.D,Kote. Hence this court proceed to pass the following:

ORDER

The application filed by the prosecution U/sec 91 of Cr.P.C is hereby allowed.

Office is hereby directed to issue notice to Sub-registrar, H.D.Kote to produce the copy of agreement Deed 28.10.2017 as stated in the application by the prosecution.

Await document.

Call on: 23.09.2024

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 31st day of August, 2024)

**(Sandesh Prabhu. B)
Senior Civil Judge & J.M.F.C
H.D.Kote**