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**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL JUDGE
AND JMFC AT HUNSUR**

Present: Smt.Anitha, B.A. (Law) L.L.B.,
Prl. Senior Civil Judge & JMFC.,
Hunsur.

Dated this the 08th day of April, 2026

CC No.30/2025

Complainant: Sri.Avinash.H.K., S/o Krishnegowda.H.B.,
Aged about 34 years, R/at Hegganduru
Village, Hanagodu Post, Hanagodu Hobli,
Hunsur Taluk, Mysuru District.

-Vs-

Accused: Smt.Shashikala, W/o Manjunatha Joshi,
Aged about 36 years, R/at Marigudi Beedi,
Ward No.19, Hunsur Town, Mysuru District.

1.	Provision under which the application is filed	:	Under Section 94 of BNSS
2.	Relief sought for	:	To direct the complainant to produce account extract of his wife
3.	The date on which the application is filed	:	20.12.2025
4.	Number of the application	:	NIL
5.	The date on which the objection is filed by opponent	:	02.02.2026
6.	The date on which the orders passed on the said application	:	08.04.2026

**ORDERS PASSED ON AN APPLICATION FILED UNDER
SECTION 94 OF BNSS**

The learned counsel for the accused filed the present application under Section 94 of BNSS to direct the complainant to produce account extract pertaining to his wife H.M.Seema phone No.789996458 having phone pay, Google pay link from the date of transaction till now.

2. In the application it is stated that, the case is now posted for further cross-examination of PW1 and on the last date of cross-examination PW1 admitted to produce account extract of his wife H.M.Seema. PW1 has not produced the said document before this court which is very crucial document for the accused to establish his case on hand and without the said document his defence will be vague. It is also stated that, if the application is not allowed the accused will be put to great hardship and on the other-hand no hardship or injury would be caused to the complainant. Hence, prayed to allow the application.

3. On the other-hand the learned counsel for the complainant filed objection contending that, the application is not maintainable under law or on facts and it is filed with malafide intention in order to waste the time of the court and to drag on the proceedings. It is denied that, the complainant has admitted about production of bank statement of his wife in the earlier cross-examination. This case is not at all connected to the wife of the complainant and wife of the complainant does not know any transaction. Hence, prayed to dismiss the application with costs.

4. Thereafter, heard arguments addressed by learned counsels for the accused and the complainant and perused the case papers. After hearing the arguments and on perusal of the case papers, the points that arise for consideration are as hereunder:

POINTS

1. Whether the accused has made out sufficient grounds to direct the complainant to produce the account extract of his wife?
2. What order?
5. The findings on the above points are as hereunder:

Point No.1: In the Negative.

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

REASONS

6. **Point No.1:-** The complainant has presented the complaint under Section 223 of BNSS against the accused for the offence punishable under Section 138 of Negotiable Instruments Act. It is the case of the complainant that, himself and the accused are known to each other and in the month of July – 2024 the accused borrowed hand-loan of Rs.4,80,000/- for her legal necessity in order to purchase beauty parlor items and to discharge her antecedent loan. The accused assured to repay it within three months and after three months, the complainant has approached and requested the accused for repayment of the amount, then the accused issued cheque bearing No.023924 dated 21.10.2024 for Rs.4,80,000/- drawn on Union Bank of India, Hunsur Branch, Hunsur. On

presentation of the said cheque came to be dishonored for the reason "Insufficient Funds" in the account of the accused on 14.11.2024 and as per the procedure on 30.11.2024 the complainant issued demand notice which was duly served upon the accused on 02.12.2024, but the accused not repaid the amount and not issued any reply notice. As such the complainant maintained this complaint.

7. After filing of the complaint this court took cognizance for the offence punishable under Section 138 of Negotiable Instruments Act and upon finding prima-facie materials this case came to be registered. In pursuance of service of summons the accused appeared before the court and released on bail. On 19.04.2025 the plea of the accused has been recorded and she has pleaded not guilty and claimed to be tried. As per the guidelines issued by Hon'ble Supreme Court of India in the decision reported in **(2014) 5 SCC 590 Between: Indian Bank Association and others V/s Union of India and others** the sworn statement affidavit of the complainant came to be treated as his chief-examination affidavit and the documents are marked as per Ex.P1 to Ex.P5. Thereafter, the case was posted for 313 statement and on 08.10.2025 this court recorded 313 statement and the accused has denied all the incriminating circumstances appeared against her in the complainant evidence and admitted about receipt of legal notice and issuance of reply notice. Thereafter, on the application of the accused the complainant was recalled and he has been subjected for cross-examination. On 03.12.2025 the complainant has been partly cross-examined

by the accused and when the case is posted for further cross-examination, the accused came up with this application to direct the complainant in order to produce the bank statement of his wife. As per the accused in the cross-examination dated 03.12.2025, the complainant admitted about production of bank statement of his wife. On the basis of said admission this application came to be filed.

8. Now it is necessary to look into the cross-examination of PW1 dated 03.12.2025. On the said date PW1 admitted that, his wife is H.M.Seema and both of them are living together and his wife's mobile No.7899964658 and she is using it since 2017 and there is facility of Phone pay and Google Pay in his wife's mobile. PW1 denied the suggestion that, there is money transaction from the phone number of the accused to the phone number of his wife. He has further denied the suggestion regarding the transaction between his wife and the accused and also denied that, there is credit of interest to the account of his wife through bank transaction. Further, the accused suggested to PW1 that, about six months back an amount of Rs.1,90,000/- has been transferred from the account of one Krishna who is brother-in-law of the accused to the account of complainant's wife. Further, he has denied the suggestion that, the accused paid Rs.1,00,000/- in cash and about five months back paid Rs.50,000/- in cash. These suggestions are specifically denied by the complainant and further there is suggestion that, about four months back the accused paid Rs.40,000/- and about one month back the accused paid Rs.10,000/- and these suggestions have been

denied. Further, PW1 deposed that, he is able to produce the account extract of his wife's bank account.

9. It is the specific defence of the accused that, some transactions have been done from his account to the account of the complainant through Phone pay and Google pay. An amount of Rs.1,90,000/- has been paid by one Krishan who is brother-in-law of the accused to the account of the complainant. Admittedly, the complainant has stated that, he has got no impediment to produce the bank statement of his wife. It is the burden casted upon the accused to rebut the presumption available to the complainant. If at all there is money transaction through Google pay or Phone Pay from the phone of the accused to the account of the complainant's wife, then accused could very well produce his bank account statement. If at all there is money transaction from the account of the brother-in-law of the accused to the complainant's wife, then accused could very well produce his brother-in-law's bank statement. Instead of doing so the accused has shifted his burden to the shoulders of the complainant but it is not the procedure. If at all the accused wants to put-forth a probable defence what is the difficulty for the accused in producing those documents. As such this court comes to conclusion that, the accused has not made out sufficient grounds to direct the complainant to produce the documents mentioned in the application. Accordingly, Point No.1 is answered in the Negative.

10. **Point No.2:** In view of the reasons discussed above, this court proceeds to pass the following:

ORDER

The application filed by the accused under Section 94 of BNSS is hereby rejected with costs of Rs.300/-.

(Dictated to Stenographer, transcribed by her, the transcript corrected by me and then pronounced in the open Court on this the 08th day of April, 2026)

(Anitha)

Prl. Senior Civil Judge and JMFC.,
Hunsur.