

**ORDERS ON APPLICATIONS
UNDER SECTIONS 311 AND 91
OF CR.P.C.**

The counsel for accused filed these applications Under Sections 311 and 91 of Cr.P.C. praying for issuance of notice to the bank manager, State Bank of India, K.R.Nagar and directing to produce the account extract and specimen signature of the accused.

2. In the application it is stated that, this court has given direction to the bank manager to produce the documents. But, the counsel for complainant was filed a memo for not pressing the applications. In the cross examination, the DW-1 has admitted that, if the court has given direction to him, he has to be produce the documents relating to the accused as stated in the application. Therefore, the bank manager is very necessary to prove the defence. Hence, prays for allow the applications.

3. On the other hand, the complainant filed objection to the applications.

4. Heard arguments.

5. On going through the record, it could be seen that, the complainant filed complaint under Sec.138 of N.I. Act alleging that, the accused has committed an offence punishable under Section 138 of N.I. Act.

6. Further the record show that, the trial was commenced and complainant's side evidence was closed. When the case was posted for the arguments, the present applications were filed by the accused. Admittedly, the bank manager has examined before the court as DW-1 and he has produced the documents pertaining to the accused and also gave evidence on the documents. The learned counsel for the accused was also cross-examined to the DW-1. Therefore, the documents sought by the accused are already produced by the bank manager in his evidence. Therefore, the question of issuing summons again to the bank manager does not arise. The material available on record is sufficient to dispose the case effectively. Hence, there is no merits on the application filed by the accused. Accordingly, the applications filed by the counsel for accused are rejected.

CC 282/2021

For arguments by:
27.06.2024.

Sr CJ & JMFC.,
K.R.Nagar.