

ORDER ON APPLICATION FILED U/s 91 OF Cr.P.C.

The counsel for the accused has filed the application U/s 91 of Cr.P.C seeking for production of documents and produced the documents.

2. The counsel for the complainant has filed objections by denying above application and has repeated the complaint averments in his objection and prays to dismiss the application with cost.

3. Heard the arguments.

4. In the present case, the complainant has filed a complaint against the accused U/s 138 of NI Act. When the matter is posted for defence evidence, the accused has filed the present application seeking to produce documents.

5. In a criminal case, the accused have no written statement. The accused can only raise their defence by producing the documents and examining the witnesses. In a cheque bounce case, more burden is on the accused to rebut the evidence of the complainant. In the present case, the accused has specifically denied the case of the complainant. Therefore, it is necessary to provide an opportunity to the accused to produce the documents. However, the complainant has got an opportunity to cross examine the accused. Therefore, a full opportunity has to be given to the parties to prove their case. Hence, it is necessary to allow the application. If the application is allowed, no prejudice will cause to the complainant. Accordingly, this court proceed to pass the following:

ORDER

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

**I Addl. Civil Judge & JMFC,
T.Narasipura.**