

Complainant                      and  
accused are present.

### **ORDERS**

This is an application filed by accused Under section 91 of Cr.P.C with a prayer to issue directions to the complainant to produce the loan agreement held between the complainant and accused in respect of money transaction.

2. The complainant has opposed to the present application by filing detailed objections. In the objections, the complainant contended that the present application is not maintainable at this stage as the accused had already arrived for settlement in this case and agreed to pay money to the complainant. Soon after such settlement, the accused didn't turn to pay the said settled amount. Now the present case is posted for arguments. At this stage only in order to drag on the case proceedings the accused has come up with this application. Hence prayed to dismiss the application.

3. In the application the accused contended that the loan agreement which

is sought to produce is necessary to prove the defense of the accused. On all these grounds the accused prayed to allow the present application.

4. On the basis of contents of application and objections raised by the complainant the following points would arise for my consideration of this court;

1. Whether the accused made out sufficient grounds to allow the present application?

2. What order?

5. Heard both sides and perused case records.

6. My answers to the above points are as here under;

Point No.1:- Affirmative

Point No.2: As per final order

**::REASONS::**

7. **Point No.1** : Admittedly the complainant has filed this complaint against accused Under section 138 of N.I. Act. When the case was posted for arguments, the present application came to be filed with above prayer. Keeping in

view the case and defense of both the parties I have meticulously gone through the complaint contents, defense, documents and oral evidence of P.W.1.

8. It is the core contention of the accused that he had not issued the cheque to the complainant to such amount and there was no money transaction between him and the complainant as alleged by the complainant. **It is pertinent to note that, on 24-03-2025 at para No.4 in page No.13, the PW1 in his cross examination has clearly admitted with regard to existence of loan agreement between him and the accused.** In the present case, it is the specific defence of the accused that he had never availed loan from the complainant as mentioned in the cheque and correct figures of loan amount is clearly mentioned in the loan agreement as such in order to prove such defence/facts the production of said loan agreement in this case is very much necessary. Therefore in view of defense taken by the accused, facts and circumstance of the case I come to the conclusion that the accused has made sufficient grounds to allow the present

application. Hence I answer point No.1 in affirmative.

9. **Point No.2** : For the above reasons discussed on point No.1, I proceed to pass the following order;

**ORDER**

An application filed Under section 91 of Cr.P.C by the accused is hereby allowed.

The complainant is hereby directed to produce the document i.e loan agreement/ಸಾಲದ ಪತ್ರ as mentioned by him in his cross examination at para No.4 on next date of hearing without fail.

Call on 01-12-2025.

**Sd/-**  
**Prl., Civil Judge & JMFC.,**  
**Kanakapura.**