

Complainant is absent. EP files, heard and allowed. Accused is present.

### **ORDERS**

Sri.D.L Advocate for accused has filed an application U/Sec.311 of Cr.P.C with a prayer to permit the accused to lead his further defence evidence through the witnesses.

The learned counsel for the complainant opposed to the present application by filing detailed objections. In the objections, the complainant contends that sufficient opportunity has already provided to the accused to lead his further defence evidence. Even though the accused didn't utilize the said opportunity. The accused with an intention to drag on the case proceedings has filed this false and frivolous application. As such the present application is not maintainable at this stage and liable to be dismissed. On these grounds the

complainant prayed to dismiss the application.

Since the complainant has filed this complaint against the accused for the offence punishable under Section 138 of NI Act, as such an opportunity should be given to the accused to prove his defence by examining the witnesses as shown in the witness list in order to destroy the case set up by the complainant. The accused in the present case has specifically contended that he paid the entire loan amount to the complainant in the presence of witnesses and that no amount remains due. To prove this fact, it is just and necessary to permit the accused to examine the said witnesses to ascertain the truth. No prejudice or injustice would be caused to the complainant by allowing this application, as he will have full opportunity to cross examine the witnesses. Considering the nature of the case, facts and circumstances this court proceeds to pass the following:

**ORDER**

An application filed U/Sec. 311 of Cr.P.C. by the accused is hereby allowed on cost of Rs.1,500/-.

The accused is permitted to lead the evidence of his witnesses and shall keep present the witness without expecting any court notice.

Posted for further defence evidence.

Call on 25-05-2026.

**Sd/-  
Prl., CJ & JMFC.,  
Kanakapura.**