

ORDER

The accused filed application under Section 254(2) of Cr P C seeking permission to produce the documents.

In the application, it is stated that in the present case, they are producing some necessary documents i.e., pass book and pigmy paid receipts. They are necessary for just decision of the case. If the application is allowed, no loss would be caused to the complainant. On the other hand, if the application is not allowed, he will be put to irreparable loss and injury. Hence, seeking permission to produce the documents by condoning the delay.

The complainant filed objection to the application wherein it is contended that the application is not maintainable and the present case is posted for defense evidence of the accused. The accused has produced the loan account pass book of the complainant institution and pigmy receipts. The said loan account pass book is pertaining to the Loan A/c No.12/1. Actually the said loan account documents are not pertaining to the loan transaction of this case. But the loan account pertaining to the present case is 19/1 of Basgod Branch of the complainant institution. The present loan is sanctioned to the accused on 21.03.2017. The said documents are not material documents. The accused is in the habit of producing unnecessary and irrelevant documents only with an intention to dragging the

case. Hence, prays to dismiss the application together with documents with heavy costs.

Heard and Perused the materials on record.

According to the accused, the documents sought to be produced are relevant and necessary for just decision of the case. According to the complainant, the accused intended to produce the documents are unnecessary and irrelevant documents. The accused filed the application only to drag the proceedings.

On careful perusal of the records, it is noticed that the case is posted for defence evidence. It is contended by the accused that the documents intended to be furnished by them are material to the case on hand. The accused furnished the documents along with the application.

The documents appear to be material to substantiate the defence of the accused and the accused cannot be denied the opportunity to substantiate his defence. Whether the said documents proves or disproves case, cannot be decided at this stage. The accused need to be accorded opportunity to substantiate his contention for which the documents intended to be furnished by him needs to be considered. If the application is allowed, no prejudice will be caused to the complainant. Further, after taking into consideration of objection filed by the complainant if the heavy costs is imposed to the accused, then it will meet the end of justice. Hence, in order to adjudicate real controversy between both the parties, above said application is necessary to

allow. Consequently, I proceed to pass the following:

ORDER

The application filed by accused under Section 254(2) of Cr.P.C. is hereby allowed with costs of Rs.200/-.

For defence evidence

By: 4.3.2026

sd/-

Sr.Civil Judge & JMFC.,Ankola.