

ORDER

The accused filed application under Section 315 of Cr.P.C. to give opportunity to lead defence evidence.

2. In the application, it is stated that the case is posted for arguments. But the

accused wanted to lead defence evidence. Hence, opportunity to be given to lead defense evidence. Hence, he prays for allow the said application.

3. The learned counsel for complainant filed objection contending that at the time of recording substance of accusation and recording statement of the accused under Section 313 of Cr.P.C., the accused submitted that he would not lead the defense evidence. Now at this belated stage filed this application which is not proper. When the case was posted for Judgment the learned counsel for the accused filed advancement application and also filed application under Sec. 311 of Cr.P.C. give the opportunity to the learned counsel for the accused to cross-examine the PW 1. Thereafter the learned counsel for the accused cross-examined the PW 1. Now the accused filed above said application at belated stage to give the opportunity to him to lead the defense evidence. Hence, prays to dismiss the application.

4. Heard and perused the materials on record.

5. In the application filed by the accused, it is stated that he wanted to lead defence evidence. Per contra, the learned counsel for the complainant stated that the accused at this stage cannot file this type of application.

6. The complainant has initiated the present proceedings against the accused for the offence punishable under S. 138 of N I Act. The counsel for the accused stated that the accused be permitted to lead his evidence. But at the time of recording of statement of accused under Sec.313 of Cr.P.C., the accused specifically submitted that he is not have any witness to lead the evidence on behalf of him and also he submitted that there is no further statement of the accused. When the accused himself not interest to lead the defence evidence and he voluntarily submitted that he is not ready to lead the defence evidence as on the date of recording of statement under Sec. 313 of Cr.P.c. there is no purpose serve to give the opportunity to the accused to lead the defense evidence. Therefore, the contention was taken by the learned counsel for the accused is hereby not helpful. Accordingly, I proceed to pass the following:

O R D E R

The application filed by the accused under Section 315 of Cr P C is hereby dismissed with cost of Rs.500/-.

The accused is hereby directed to pay the cost of Rs.500/- to the Bar Association, Ankola, Uttara Kannada.

For argument

By : 16.6.2026

sd/-

Sr.Civil Judge & JMFC., Ankola.