

KAUK220005052022



**IN THE COURT OF THE SENIOR CIVIL JUDGE AND
JMFC., ANKOLA, AT: ANKOLA**

Dated this the 29th day of October, 2025.

PRESENT:

**Smt.Priya Ravi Joglekar. B.Com.LL.M.
Senior Civil Judge and JMFC, Ankola.**

C.C. No.165/2022

Complainant: Suprasanna Credit Souharda Sahakari
Sangh Niyamita, Belambar,
Tal.Ankola, Uttara Kannada District.

-Vs-

Accused: Vinod Thaku Kharvi

ORDER

The accused filed application under Section 91 of Cr.P.C. for the purpose of call for the documents from the complainant institution.

2. In the above said application, the accused averred that for enquiry of the above case, he wanted the documents which are in custody of the complainant society. If they are not produced, the accused will suffer

heavy loss because there are some doubt about the loan given by the complainant society. Hence, the complainant required the documents which are mentioned in the above said application. Hence, he prays for allow the above said application

3. Per contra, the learned counsel for the complainant filed objections to the above said application and contended that the accused has filed the false application in order to delay the proceedings. Though the legal notice issued by the complainant society has been received by the accused, the accused has not replied to the said legal notice within stipulated period. The documents now sought by the accused have already been produced before the court. Hence, prays to dismiss the application with costs.

4. Heard both sides.

5. On perusal of the entire records, the points that would arise for my considerations are:

1] Whether the accused has made out sufficient grounds to allow the application?

2] What order?

6. My answer to the above points are as under:-

Point No.1 : **In the Negative**

Point No.2 : As per the final order for the following:

REASONS

7. **Point No.1:** On careful perusal of the records, it is clearly noticed that the trial commenced by the complainant society and got marked the 10 documents before this court which are necessary to prove the alleged offence punishable under Sec. 138 of NI Act. Further it is noticed that these documents are marked as Ex.P1 to P10. The accused filed application under Sec.91 of Cr.P.C. on 12.08.2025. When the alleged cheque bearing No.506235 was returned with endorsement dated 11.09.2019 by mentioning the shara of Funds Insufficient. Already the complainant society has produced the relevant documents. Further, there is so many cases against the accused. The intention of the accused itself goes to show that he is deliberately prolonging the case without any reason and also kill the precious time of the Court. Moreover, the PW 1 has lead the evidence and he has produced 10 documents relating to this case. It is not the case of the accused. But, it is burden lies on the complainant to prove his case. Therefore, the contention was taken by the accused by filing the above said application is neither reliable nor believable. Hence, it is not necessary to allow the above said application. Consequently, I answer **point No.1 in the Negative.**

8. **Point No.2:** In view of my reason on Point No.1, I proceed to pass the following:

ORDER

The application filed by the accused under Section 91 of Cr.P.C. is hereby dismissed with costs of Rs.200/-.

(Directly dictated to the Stenographer, typed by her, corrected and revised by me and then pronounced in the open court on **29th October, 2025**)

sd/-

(Smt.Priya Ravi Joglekar)
Senior Civil Judge and JMFC, Ankola.