

CC. No.200/2022  
(155/2019)

Accused Absent. Counsel for accused filed exemption application u/Sec 317 Cr. P.C and submits that the accused has no objection to record evidence in his absence. Hence the said application is allowed.

Counsel for accused submits the application u/Sec 302 Cr. P.C may be considered. The authorised officer Gopal @ Pradeep Hammanna Nayak present. The application under Section 302 of Cr.P.C. is filed along with copies of resolution to substitute Gopal @ Pradeep Hammanna Nayak as a representative of complainant Society Ltd., in the place of the earlier representative of complainant and an authority. It is stated in the said application that as earlier representative namely Nagaraj Mahadev Nayak is unable to appear before this court due to his resignation, and hence, Gopal @ Pradeep Hammanna Nayak is

appointed as a representative of complainant in his place.

Heard and Perused the case file.

The complainant society sought to permit to prosecute the case through the said representative. The resolution copy is furnished which says the said representative is authorized to prosecute this case on behalf of this society. Hence the complainant society is to be permitted to prosecute through him. Consequently, I pass following:

### **ORDER**

The applications filed under Sections 302 of Cr.P.C is allowed.

Consequently, the complainant is permitted to prosecute this case through the said officer namely Gopal @ Pradeep Hammanna Nayak and permitted to lead evidence.

Case is kept by.

Sr. Civil Judge & JMFC, Ankola

The authorized officer of complainant Gopal @ Pradeep Hammanna Nayak files his affidavit in lieu of his chief examination. Hence, he is examined as PW3. Ex.P1 to Ex.P13 and Ex.P1(a) are marked. Adv for accused prayed time for cross examination. Time is granted. The counsel for complaint filed an application to pay deposited amount of Rs. 80,000/- by accused in CRCD No. 27/2023-24 and RO No. 69/2023-24 in favour of complainant. The counsel for accused submits that the said amount may be released in favour of complainant. The said amount is deposited in respect of the Cheque amount. Hence, Office is directed to release the said amount of Rs.80,000/- in favour of complainant subject to proper identification and acknowledgment through e payment if need full is done, Hence, for cross of PW3 by 01-07-2024.

Senior Civil Judge and J.M.F.C.,  
Ankola.

