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**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.239/2022

Complainant: Suprasanna Credit Souharda Sahakari
Sangh Niyamita, Belambar,
Tal.Ankola (U.K. Dist).

-Vs-

Accused: Smt.Yogini 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, there will be heavy

loss to accused. There is doubt about the loan given by the complainant society. Hence, 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 which are sought to be required 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.181166 was returned with endorsement dated 11.09.2019 by mentioning the shara of Funds Insufficient. In this regard, the complainant institution issued legal notice to the accused. The Ex.P4 and 5 documents itself go to show that the legal notice was duly served to the accused. After serving of notice to the accused, she neither replied nor repaid the legal recoverable debt to the complainant. It is the case of the complainant is that when the accused has failed to comply the Section 138 of NI Act, therefore the accused has committed the offence punishable under Sec. 138 of NI Act. It is clearly noticed that even though the complainant institution issued legal notice to the accused, she never replied to the legal notice. But, now filing the above said application. The accused contended that there is doubt about the loan given by the complainant society. If really there is doubt regarding the loan, then she could replied to the notice. Further it is also noticed that the accused has not take

any legal action against the complainant institution after serving the legal notice and till today. Therefore, the attitude of the accused itself goes to show that she is dragging the proceeding without any reason. 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:

O R D E R

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.**