

KAUK720003132022



**IN THE COURT OF THE SENIOR CIVIL JUDGE & PRL. JMFC.,  
KUMTA, AT: KUMTA, UTTARA KANNADA**

**Dated this the 9<sup>th</sup> day of January, 2025**

**PRESENT**

**Smt.B.S.Rayannawar, B.A., L.L.B.,  
Senior Civil Judge  
& Prl. JMFC, Kumta**

**C.C.No.65/2022**

**Complainant:** Chetan Govind Nayak,  
Age: 43 years, Occ: Business,  
R/o. Hitlamakki, Kumta.

(By Sri. P.S.N.- Advocate)

**V/s**

**Accused:** Guru Ramesh Kharvi,  
Age: 40 year, Occ: Fisheries,  
R/o. Madhya Kharviwada,  
Belambara Post, Ankola Taluk.

(By Sri. S.R.S. - Advocate)

\*\*\*\*\*

**Order on application filed under Section 311 of Cr.P.C. by  
the complainant.**

Present application filed by the complainant Under Section  
311 of Criminal Procedure Code permitting the complainant to  
produce documents.

2. In his application the complainant has contended that, in this case, some documents are not marked at the time of examination chief of PW.1. Now, it is very necessary for the purpose of justice that the complainant produce the original documents of his Income Tax Returns for the year 2021-2022 before this Court and mark the documents. If the said application is not allowed there is irreparable loss caused to the complainant which cannot be compensated in terms of money. Hence prays to allow the application

3. This application is opposed by accused by filing his written objection contending that in this case, the accused has completely denied the allegations made against him. Along with income tax returns the complainant has to produce the documents which he agree to produce during his cross examination. Hence counsel for accused prays this court to direct the complainant to produce document with respect to his profession, his bank pass book, documents for withdrawal of amount, Accused income tax along with computation of Income. If the said document not produced by the complainant then the

accused got every right to file application under section 311 of Cr.P.C. hence the accused prays to direct the complainant to produce the documents.

5. Heard both learned counsel for complainant and accused.

6. Upon hearing arguments and on perusal of materials placed on records, following points arises for consideration.

1. Whether the complainant has made out grounds for allowing the application?

2. What order?

7. My findings on the above points are as follows:-

Point No.1 : In the Affirmative.

Point No.2 : As per final order

For the following:-

### **REASONS**

8 **Point No.1**: Admittedly now the present case is posted for further cross of PW1, at this stage complainant filed present application to permit him to produce his income tax returns.

7. Though the counsel for accused filed his objection to application, but it is in form of 311 application, the accused in his objection prays to direct the complainant to produce the documents mentioned in his objection along with his income tax returns.

In every case the parties produce document necessary document to prove their case. Now the complainant intends to produce his income tax returns. If the accused needs any document from complainant he can file separate application calling upon the complainant to produce the document. But in the present order court cannot direct the complainant to produce the document as sought in objections. The complainant intends to produce his income tax returns for the year 2021-2022. Hence if the application is not allowed hardship caused to complainant, Hence the complainant made out grounds to allow the application. Accordingly, I answered **point No.1 in the Affirmative.**

9. **Point No.2:** In view of my findings on point No.1, I proceed to pass the following:

**ORDER**

Application filed by the complainant under Section 311 of Cr.P.C. is hereby allowed.

For further chief of PW1 by 23.01.2026.

(Directly dictated to the stenographer to the computer, corrected and then pronounced by me in the open Court on this the 9<sup>th</sup> day of January, 2026)

(Smt. B.S.Rayannawar)  
Senior Civil Judge  
& Prl. JMFC., Kumta.