

KAUK720003752022



**In the Court of the Senior Civil Judge & Principal JMFC,  
Kumta, At: Kumta, Uttara Kannada**

**Dated this the 20<sup>th</sup> day of February, 2026.**

**PRESENT**

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

**C.C.No.96/2022**

**Complainant:**

The Akshaya Co-operative Credit  
Society Ltd., Karwar,  
Branch: Kumta,  
represented by its Branch Manager  
Sri. Jhoseph Waz  
Age: 56 years,  
R/o: Kumta, Kumta Taluk.

(By Sri.N.S.H., Advocate)

**V/s**

**Accused:**

Smt. Vidya Nagesh Shet,  
W/o. Nagesh Shet,  
Occ: Job, at Railway Department,  
SSE/PWAY/ Dharwad,  
Dharwad Mugad Station  
R/o. Chandavara, Honnavara Taluk,

(By Sri. P.S.N./P.H.K./S.J.N Advocate)

**Orders 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, to summon the witness

2. In the application it is stated that the complainant intends to examine the postal official who served the notice to accused. Hence prays to allow the application and issue summons to witness.

3. Applications opposed by counsel for accused by filing written objection contending that said application is not tenable under law. The complainant bank issued the notice on address Vidya Nagesh Shet W/o Nagesh shet, Occ; Railway dept, SSP/PWAY, Dharwad, Mugad Station, and not the address mentioned in application. Hence it clearly shows that the application filed only to misguide. If the application is allowed hardship caused to the accused, hence prays to reject the application.

4. Heard both respective counsels for the Accused and complainant.

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

1. Whether the complainant made out grounds for allowing the application?
2. What order?

6. 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**

7. **Point No.1**: Admittedly now the present case is posted for further evidence of complainant, at this stage complainant filed present application to summon the witness.

8. In this case during cross examination learned counsel for accused disputed service of notice to accused. Hence to prove the same the complainant bank intends to examine the

postal authorities who served the summons. The burden is on the complainant that summons issued by complainant bank served on the accused 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.

Office to issue summons to witness,  
if PF paid

(Directly dictated to the stenographer to the computer, corrected and then pronounced by me in the open Court on this the 20<sup>th</sup> day of February, 2026)

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