

KAUK720004752023



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

Dated this the 09th day of September, 2025.

PRESENT

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

C.C.No.153/2023

Complainant: Vyavasaya Seva Sahakari Sangh
Niyamit, Kumta,
Represented by Incharge Manager
Sri. Nagendra Krishna Patgar
Aged about 48 years,
R/o. Kumta, Kumta Taluk.
(By Sri. P.G.H., advocate)

V/s

Accused: Manjunath Jatti Patgar
Major, Occ: Business,
R/o Winfinith Swadeshi Bhandar
Building No.359, In front of Bank of Baroda
Bajar road, Honavar 581 334.

(By Sri. N.M.N., advocate)

Orders on application filed under Section 91 of Cr.P.C. by the accused

Accused has filed this application Under Section 91 of Criminal Procedure Code, 1973, with a prayer to direct the complainant society to produce the

1. ಸಂಘದ ಬೈ-ಲಾಗೆ ಅನುಸರಿಸಿ, ಫಿಯಾರ್ದಿ ಸಂಘವು ಸಹಾಯಕ ನಿಬಂಧಕರಿಂದ ಅನುಮತಿಸಲ್ಪಟ್ಟ ಸಂಘದ ನಿಯಮಾವಳಿ ದೃಢೀಕೃತ ಪ್ರತಿ.

2. ಮಂಜುನಾಥ ಹನುಮಂತ ನಾಯ್ಕ ಇವರು ಸಾಲದ ಖಾತೆ ನಂ. 626 ನೇದರಂತೆ ಫಿಯಾರ್ದಿ ಸಂಘದಿಂದ ಸಾಲವನ್ನು ಪಡೆಯುವ ಪೂರ್ವದಲ್ಲಿ ಮಾಡಲಾದ ಠರಾವಿನ ದೃಢೀಕೃತ ಪ್ರತಿ.

2. It is contended in application that, the accused has denied the complainant case, on 22.03.2025 though his advocate the accused asked the complainant to furnish document prior to availment of loan by Manjuath Hanumant Naik, with respect to loan account No.626, but till today the complainant bank has not provided the document, not given answer to the said application, hence the accused filed application on 05.01.2024 before this court, but the complainant bank not furnished the copy of entire rules and regulations of bylaw. The document sought in application are available with the complainant bank, the said documents are

necessary to prove the defence of the accused hence prays to allow the application.

3. The said application is opposed by complainant by filing written objection contending that the present application filed by the accused is not in accordance with the law. The interim application filed by the accused only to harass the complainant bank, the application filed by the accused under section 91 of Cr.P.C is not maintainable at this stage, the accused stood guarantor for the loan amount availed by complainant bank. The debtor and the guarantor have not paid the loan amount when complainant bank asked the accused has issued the cheque, but the same was dishonoured hence the complainant bank filed this case against the accused. The documents sought are not required or related to this case, The said documents are not necessary for the determination of this case. Hence prays to dismiss the application with cost.

4. Heard both respective counsels for complainant and accused.

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

1. Whether the accused has 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**: Present complaint filed by the complainant against the accused for the offence punishable under section 138 of N.I.Act. Now the case is posted for further cross of PW.1, at this stage the accused filed present application to direct the complainant to produce the ಸಂಘದ ಬೈ-ಲಾಗೆ ಅನುಸರಿಸಿ, ಫಿಯಾದಿ ಸಂಘವು ಸಹಾಯಕ ನಿಬಂಧಕರಿಂದ ಅನುಮತಿಸಲ್ಪಟ್ಟ ಸಂಘದ ನಿಯಮಾವಳಿ ದೃಢೀಕೃತ ಪ್ರತಿ ಮತ್ತು ಮಂಜುನಾಥ ಹನುಮಂತ ನಾಯ್ಕ ಇವರು ಸಾಲದ ಖಾತೆ ನಂ. 626 ನೇದರಂತೆ ಫಿಯಾದಿ ಸಂಘದಿಂದ ಸಾಲವನ್ನು ಪಡೆಯುವ ಪೂರ್ವದಲ್ಲಿ ಮಾಡಲಾದ ಠರಾವಿನ ದೃಢೀಕೃತ ಪ್ರತಿ.

8. It is the contention of accused that, the said documents are important document to further cross examination of PW.1. Accused denying the transaction, hence to know the transaction between the complainant and accused if the complainant is directed to produce the document no hardship will be caused to the complainant. On the other hand, the accused seeks ಸಂಘದ ಬೈ-ಲಾಗೆ ಅನುಸರಿಸಿ, ಫಿಯಾರ್ದಿ ಸಂಘವು ಸಹಾಯಕ ನಿಬಂಧಕರಿಂದ ಅನುಮತಿಸಲ್ಪಟ್ಟ ಸಂಘದ ನಿಯಮಾವಳಿ ದೃಢೀಕೃತ ಪ್ರತಿ ಮತ್ತು ಮಂಜುನಾಥ ಹನುಮಂತ ನಾಯ್ಕ ಇವರು ಸಾಲದ ಖಾತೆ ನಂ. 626 ನೇದರಂತೆ ಫಿಯಾರ್ದಿ ಸಂಘದಿಂದ ಸಾಲವನ್ನು ಪಡೆಯುವ ಪೂರ್ವದಲ್ಲಿ ಮಾಡಲಾದ ರರಾವಿನ ದೃಢೀಕೃತ ಪ್ರತಿ.

9. Hence if the complainant is directed to produce the document no hardship will be caused to the complainant. Hence the accused made out grounds to allow the application. Accordingly, point No.1 answered in the Affirmative.

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

ORDER

Application filed by the accused under Section 91 of Cr.P.C. is hereby allowed.

Complainant is hereby directed to produce the document sought in application.

(Directly dictated to the stenographer to the computer, corrected and then pronounced by me in the open Court on this the 09th day of September, 2025)

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