

KAUK720005652022



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

Dated this the 08th day of January, 2026.

PRESENT

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

C.C.No.191/2022

Complainant: Sri. Jayalakshmi Souhardha pattina
Sahakari Ltd.,
Branch: Gokarna,
represented by
Sri. Sharat Ganapati Nayak,
aged about 32 years,
Occ: Recovery officer,
Gokarna Branch, Kumta Taluk.

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

V/s

Accused: Smt. Pavitra Nagaraj Tandel,
age: 34 years, Occ: Business
R/o. Gangekolla, Banki Kodla Post,
Kumta Taluk.

(By Sri. P.S.N., advocate)

COMMON ORDER

Present applications filed by the complainant Under section 311 and 91 of Cr.P.C to reopen the case for further cross-examination of PW1 permitting the complainant to produce the documents as sought in applications.

2. In the application complainant has stated that the present case is posted for cross of PW1, by oversight at the time of filing of complaint they have not produced the account statement of accused and other documents, the said documents are very much necessary and to be marked as exhibit, hence prays to allow the applications.

3. Applications opposed by counsel for accused by filing written objection contending that said application is not tenable under law. In this case the cross examination of PW.1 was already completed, the documents intends to produce by the complainant are not related to the accused. If the application is allowed it is nothing but permitting the complainant to produce the false document. If really the documents are in their custody they would have produced them at earlier stage. In this case already the complainant bank examined six complainant bank

representative by name Sharat Ganapati Naik, Tulasidas Rama Patgar, Nandish H Naik, Sandeep Balachandra Nagekar, Ajit Timm Ager and Shilpa Mahadev Gouda. Among which the Tulsidas Rama Patgar, Nandish H Naik, Sandeep Balachandra Nagekar, Ajit Timma Ager given evidence on false complaint filed by the complainant society, after came to know the same the they have left from complainant society by submitting their resignation.

4. On 14-05-2025 when Ajit Thimma Agera was being further cross examination, after some admissions P.W. 2 he realizes that it will prove the filing of false case, hence without any reason he seeks adjournment, though the counsel for accused opposed for adjournment but the court not considered the same, and adjourned the matter which obstacle to the truth coming out, later on PW.2 not appeared in the present case, and he resigned from his work.

5. Later on 11-09-2025, when matter was posted for cross examination of PW3, the P.W. 3 was called out at 3 pm, but P.W. 3 not present, counsel for complainant submits that PW.3 went for recovery and therefore she was unable to appear before the

court for cross examination and prays time. However, P.W. 3 was present before Additional J.M.F.C. Court at 3 pm in CC No. 1558/2022 and she intentionally did not appear before this court in the present case.

6. The complainant make the accused wander around the court by making false allegations. Accused is a coolie by wandering court she lost her income, this application is filed only to harass the accused, the documents intends to produce by the complainant are concocted documents and not the original one, hence the accused prays to reject the application.

7. Heard both learned counsel for complainant and accused.

8. 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 applications?
 2. What order?
9. 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

10. **Point No.1**: Admittedly now the present case is posted for further evidence of complainant. It is the contention of the complainant that at the time of filing of complainant the complainant bank not produced the account statement of accused, the document is necessary for adjudication of the case, hence prays to allow the application.

11. Learned counsel for accused submits that the document which complainant intends to produce is created document. The complainant in support of their false complaint have producing created document. If really the document is with the complainant bank they would have produced the same at earlier stage. Hence prays to reject the application.

12. In cheque bounce cases the core point to prove is whether the cheque was issued for a legally enforceable debt or liability. The complainant must initially establish that the cheque was issued and subsequently dishonored. In this case the accused denied the legal enforceable debt. Hence now the burden is on the complainant to prove their case. Though several taken contention taken by the counsel for accused the same may be

raised at the time of cross examination. Hence if the complainant permitted to produce the documents no hardship will be caused to the accused, as they have every liberty to cross examine the complainant on said document, on the other hand if the applications are not allowed hardship caused to the complainant. Accordingly, point No.1 answered in the **Affirmaive**.

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

ORDER

Applications filed by the accused Under Section 311 and under section 91 of Cr.P.C. is hereby allowed on cost of Rs.200/-.

Complainant permitted to produce the document. PW1 is recalled for further examination in chief.

For further chief-examination of PW1.

(Dictated to stenographer directly on computer, Typed by her, corrected by me and pronounced by me in the open Court on this the 8th day of January, 2026)

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