

KAUK910003092025



**ORDERS ON APPLICATION U/Sec. 91 Cr. P. C R/w**  
**Sec. 94 of BNSS:**

The above application is filed by the accused, requesting the court to call for the documents as under:-

- 1. Loan application given by the accused to the complainant society,**
- 2. Loan sanction details with respect to this case,**
- 3. Loan agreement executed by the accused to the complainant society,**
- 4. Statement of accounts of the account of the Accused with respect to this case and by law.**

2. In the application it is stated that, the above said documents are very much necessary to prove the case of the accused and hence, it is just and necessary to call for the above said documents. It is stated that the above documents are necessary to prove the case of the accused. Hence, he prayed to call for the above said documents by allowing the application.

3. The learned counsel for the complainant has filed objection denying the contents of the application. It is stated that the application filed by the accused is not tenable and liable to be rejected. It is further stated that, the accused had issued the cheque-Exp-1 to the complainant society in order to discharge his liability. It is further stated that, the accused has received the Exp-5-legal notice on 18.03.2025 and he has not paid any amount due to the complainant society and he has not relied the same. It is further stated that, the accused not given any requisition to complainant society for the certified copy of the same. Further, the cheque bounce cases are to be tried summarily, wherein this case is posted for the arguments of the accused on

merits, only to drag on the proceedings the accused unnecessarily without the case being disposed off has filed the present application only to cause loss to the complainant society. The present application filed by the accused is false, frivolous and untenable under the law and hence, he prayed to reject the same.

4. Heard the arguments both the side an application Use.91 of Cr.P.C R/w Sec.94 of BNSS and perused the material on record.

5. The points arise for my consideration is as follows: -

*1. Whether the applicant / accused has made out a sufficient ground to allow the application filed under Section 91 of Cr.P.C R/w Sec.94 of BNSS, at this stage?*

**2. What order?**

6. My finding on the above points are as follows:-

Point No.1: In the Affirmative

Point No.2: As per final order for the following:

## **REASONS**

### **Point No.1:**

7. This is a private complaint filed by the complainant society against the accused for the offence punishable U/Sec. 138 of N.I.Act.

8. The accused has sought to call for the above said documents to prove his case and the above said documents are very much necessary to prove the case of the accused and hence, it is just and necessary to call for the above said documents. In view of settled

principle of law that fullest opportunity should be given to parties to establish their case, if application is allowed no hardship would be caused to other side. The paramount consideration is to ensure just and fair trial. Under the facts and the circumstances of the case, this court is of the opinion that the present application is liable to be allowed. Therefore, considering the facts and circumstances of the case, I answered point No. 1 in the Affirmative.

**POINT NO.2:**

9. For the aforesaid reasons, discussion made above considering the material on record, I proceed to pass the following

**ORDER**

The application filed by the accused U/Sec.91 of Cr.P.C R/w Sec.94 of BNSS, is hereby allowed.

The learned counsel for the complainant society is hereby directed to produce the documents as under:

- 1. Loan application given by the accused to the complainant society,**
- 2. Loan sanction details with respect to this case,**
- 3. Loan agreement executed by the accused to the complainant society,**
- 4. Statement of accounts of the account of the Accused with respect to this case.**

For production of documents by

Civil Judge & J.M.F.C.  
Siddapur

