

Accused absent. E.P. filed. Allowed

**Order on Application filed by
Counsel for Complainant U/Sec.91 of
Code of Criminal Procedure, 1973.**

Counsel for Complainant had filed this application U/Sec.91 of Code of Criminal Procedure, 1973, praying this Court to issue summons to Manager, PNB, College road branch, Hosapete to produce specimen signature of Accused in her savings bank account and give evidence in that regard. On the hand Counsel for Accused filed objection to this application.

2. Perused application wherein it is submitted that even though Accused has admitted that Ex.P1 Cheque belongs to her, during her cross-examination she has denied her signature which is marked as Ex.P1(a), hence her specimen signature is very much necessary to prove the case of Complainant and therefore production of those documents before the Court becomes material from Oriental Bank of Commerce, college road, Hosapete which is now merged with PNB, college road branch, Hosapete and thereby prayed to allow this application.

3. On the other hand having denied all the grounds urged in this application Counsel for Accused contended that only with malafide intention to drag the matter

counsel for Complainant has filed this application by praying for production of specimen signature of Accused from the Manager of PNB, college road branch, Hosapete and also to adduce the evidence of Manager which is not necessary in this case. Further that even though those documents are not relevant to this case they have been created for the purpose of this case at this stage and thereby prayed to dismiss this application.

4. Heard both the counsel and perused the documents placed on record. The following points arise for my consideration.

5. The following points arise for the consideration:

- 1) Whether Complainant has proved that summoning the Manager of PNB, college road branch, Hosapete with a direction to him to produce specimen signature of Accused and adduce evidence in that regard is necessary or desirable for the purpose of enquiry in this case?
- 2) What order?

6. My answers to the above points are as follows:

Point No.1:In Affirmative.

Point No.2:As per my final order to the following;

REASONS

7. Point No.1:- On careful perusal of both the application and objection filed by both the parties as well as the cross-examination of DW1 dated 22.11.2025 this court noticed

that in her cross-examination DW1 has deposed that "ನಿಪಿ-1 ಚೆಕ್ ನನಗೆ ಸೇರಿದ್ದು ಎಂದರೆ ಸರಿ. ಸಾಕ್ಷಿ ಮುಂದುವರೆದು, ಆದರೆ ನಾನು ಅದನ್ನು ಫಿಯರ್ಡುದಾರರಿಗೆ ಕೊಟ್ಟಿಲ್ಲ ಎಂದು ನುಡಿಯುತ್ತಾರೆ. ಸದರಿ ಚೆಕ್ ನಲ್ಲಿರುವ ಸಹಿ ನನ್ನದು ಎಂದರೆ ಸರಿಯಲ್ಲ." "ಸಾಕ್ಷಿಗೆ ಅವರು ನ್ಯಾಯಾಲಯದ ಮುಂದು ನೀಡಿದ ತಮ್ಮ ಮುಖ್ಯ ವಿಚಾರಣೆ ಸಾಕ್ಷ್ಯವನ್ನು ಎದುರು ತೋರಿಸಿ ಅದರಲ್ಲಿರುವ ಸಹಿ ನಿಮ್ಮದೇ ಎಂದರೆ ಸಾಕ್ಷಿ ಅದನ್ನು ಒಪ್ಪಿರುತ್ತಾರೆ. ಸದರಿ ದಾಖಲೆಯಲ್ಲಿರುವ ಸಹಿ ಹಾಗೂ ನಿಪಿ-1 ಚೆಕ್ ನಲ್ಲಿರುವ ಸಹಿ ಎರಡು ಒಂದೆ ಎಂದರೆ ಸಾಕ್ಷಿ ಸರಿಯಲ್ಲ, ನಾನು ಚೆಕ್ ನಲ್ಲಿ ಸಹಿ ಮಾಡಿಯೇ ಇಲ್ಲ ಎಂದು ನುಡಿಯುತ್ತಾರೆ."

Now this being the situation where DW1 has denied her signature which is marked as Ex.P1(a), this Court is of the opinion that an opportunity needs to be given to Complainant to prove that indeed Ex.P1(a) signature belongs to Accused which is her version in complaint by way of adducing evidence through Manager and also by way of producing relevant documents in that regard as said point becomes necessary for the enquiry in this case and moreover sufficient opportunity will be given for Counsel for Accused to cross-examine the Manager of the bank to set up his defense and in that view this Point No.1 is answered in **Affirmative**.

8. Point No.2:- Keeping in mind the discussion made above, this Court proceeds to pass the following:

ORDER

By Acting under Section 91 and 311 of Code of Criminal Procedure, 1973 this Court proceeds to allow this application.

The expenses which will be caused in summoning Manager of bank shall be borne by Complainant.

Issue summons to the Manager of Punjab National Bank, college road branch, Hosapete to produce specimen signature of T.Haseena W/o T.Ahammad having savings bank account No.12982191022123 and give evidence in that regard. It is also directed to the Manager of PNB, to bring certified copy of specimen signature of T.Haseena along with original document for the purpose of marking.

Issue summons to Manager and office is directed to attach the aforesaid instruction given to the Manager while appearing before the Court along with summons if steps taken returnable by 02.02.2026.

I ACJ & JMFC, Vijayanagara