

IN THE COURT OF XXVII ADDL. CHIEF JUDICIAL
MAGISTRATE, BENGALURU

Present: SRI.SHIVARAJ V SIDDESHWAR
BSc., B.Ed., L.L.B.,
XXVII A.C.J.M Bengaluru.

Dated: This the 31st day of July, 2026

C.C. NO.35585/2022

Complainant : Bhoosiri Chits Private
Limited,
Registered under the
Companies Act, 2013,
Having Registered office at
No.11, 1st floor, Dattatreya
Road, Near National Co-
operative Bank Ltd.,
Basavangudi, Bangalore-
560004.
(Rep by Sri.R.Madhusudhana
Reddy & Anusha &
othrs, Adv.)
V/s.

Accused : Manjula.R,
W/o S.N.Rajappa,
Aged about 47 years,
R/at No.55/1, Sai Ram
Nilaya, 1st Main, Dattatreya
Nagar, Hoskerahallim,
Banashankari III Stage,
Bengaluru-560085.
(Represented by
Sri.R.Ranganatha, Adv.,)

ORDER ON APPLICATION FILED U/S 243 OF Cr.P.C

The accused has filed present application under S.243 of Cr.P.C., seeking to summon the witness “The Deputy Registrar of Chit Funds, II Zone, Bengaluru Urban District at Sahakara Soudha Building, Malleshwaram, Bengaluru” to give evidence on behalf of the accused.

2. In the application it is stated that there is no chit transaction between the accused and complainant but it is case of the complainant that accused has subscribed the chit ticket No.2BS/LT/18 for Rs.60,00,000/- and accused was successful in bid and she is unable to pay balance chit installments and issued the cheque for due amount to the complainant. It is also stated that no chit shall commence without obtaining previous sanction of the State Government, the business place office of the complainant came under the jurisdiction of Deputy Registrar of Chit Funds, Bengaluru Urban District. It is also stated that to ascertain the chit ticket No.2BS/LT/18 was in existence or not, it is just and necessary to

issue summons to the Deputy Registrar of Chit Funds, II Zone, Bengaluru Urban District. On these grounds accused prayed to allow the present application.

3. Per contra, the complainant has opposed the present application by filing objection, wherein it is contended that the complainant has already produced all the documents related to chit group 2BS/LT/18, sanction certificate, application submitted by complainant to run chit group No.2BS/LT/18 for Rs.60,00,000/-, group member list for No.2BS/LT/18, FD of Rs.60,00,000/- in respect of No.2BS/LT/18 and order related to merging of 2BS/LT/18 with BS/ST/17. It is also contended that the accused has filed present application at belated stage, section 234 Cr.P.C., does not give an unfettered right to summon any witness at any stage. The court may refuse such process if the application is made for purposes of vexatious, delay or for defeating the ends of justice. It is also contended that the contention taken up by the accused in the present application has already been raised

and suggestions were put during the course of cross examination of PW1. It is also contended that the accused has not explained why this evidence could not have been sought earlier despite having full knowledge of these issue from the very beginning. It is also contended that documents sought are already on record and they are within knowledge of accused. The complainant has already produced the documents now sought for by the accused. It is also contended that if instant application is allowed it would cause unnecessarily delay in disposal of summary NI case. It is also contended that multiply proceedings through repeated summoning public officials and records, cause serious prejudice to the complainant by prolonging recovery of a substantial dishonored sum. On these grounds complainant prayed to reject the present application.

3. Heard both sides and perused the materials on record.

4. The following point arise for my determination:-

1. Whether the accused has made out ground to summon the Deputy Registrar of Chit Funds, Bengaluru Urban to record his evidence?

2. What order?

5. My answer to the above points are as follows:-

Point No.1 : In the Negative

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

REASONS

6. Point No.1:- The complainant has filed this complaint against the accused for the offence punishable U/sec.138 of the Negotiable Instruments Act. A perusal of records it show that after completion of evidence of the accused, the accused has filed present application. A perusal of records it show that on 19-09-2025 the accused had filed similar application under S.243 of Cr.P.C., and that was allowed. In earlier application filed by the accused under S.243 it was not the prayer to summon the present witness the Deputy Registrar of Chit Funds, Bengaluru Urban. It is contention of the complainant that the complainant has produced documentary

evidence to show that the accused has subscribed to chit group No.2BS/LT/18 and existence of the said chit group and sanction to run the said chit group by the Competent Authority.

7. It is contention of accused that the chit group No.2BS/LT/18 is not in existence. It is important to note here that if at all the complainant has not produced the documents related to chit group No.2BS/LT/18, sanction to run the said chit by the Competent Authority it would fatal to the complainant but not to the accused. The Deputy Registrar Chit Fund, Bengaluru Urban is a Public Servant. The documents issued by the Registrar of Chit Fund, Bengaluru are admissible in the present case. If the complainant not produced the documents stated by the accused in the present application the complainant would loose his case. This is a case more than 4 years old and having summary trial. Hence, I answer the point No.1 in the **Negative**.

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

ORDER

The application filed by the
accused U/sec.243 of Cr.P.C
is hereby rejected.

*(Dictated to the stenographer directly on computer, corrected
and then pronounced in open court by me on this the 31st day of
July, 2026)*

XXVII A.C.J.M., Bengaluru.