

KAYG320001032025



1 Crl.A.No.5009/2025
(OLD CRL.A.NO.30/2023)

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IN THE COURT OF II nd ADDL.DISTRICT AND SESSIONS
COURT, YADGIR,
SITTING AT SHORAPUR.

:PRESENT:

Sri. Yamanappa Bammanagi, B.A.LL.B (Spl.)
II nd Addl. District & Sessions Judge, Yadgir,
sitting at Shorapur.

DATED THIS THE 07th DAY OF JULY, 2026.

CRL.A.NO.5009/2025
(OLD CRL.A.NO.30/2023)

APPELLANT/
ACCUSED:

Smt.Aruna W/o Late Penchalaiah,
Age: 54 years, R/o No.12, Platform road,
Gagm, an quarters, Near Krishna Flour
Mill, Beside Uday Clinic, Sheshadripuram,
Bangalore.

(By Sri.H.N. Adv.,)

V/s

RESPONDENT: Sri. Nagareddy S/o Yankappa,
Age: 47 years, R/ Gogi village, Tq:
Shahapur, Dist: Yadgiri.

(By Sri.A.S.P. Adv.,)



ORDER ON IA NO.II FILED U/SEC.432 OF BNSS.

Being aggrieved by the judgment of conviction and order of sentence, passed by the Ld PrI.Civil Judge & JMFC Shahapur, in CC No.471/2018, dated 05.04.2022, the accused is before this court challenging the correctness and legality of the same. Along with appeal the Ld counsel for the appellate filed this IA for condonation of delay of 423 days in filing the appeal. After appearance of respondent the respondent has filed objection and thereafter, enquiry conducted on the IA. The appellate is examined as PW1 on IA and on the other hand, the respondent is examined as RW1, they examined by filing affidavit in lieu of examination in chief and got marked documents.

2. I have gone through the facts of the complainant's case and defence taken by the accused before the trial court, the appellant is accused before the trial court and the respondent is complainant filed U/Sec.138 of NI Act, it is contended that, the respondent herein advanced loan of



Rs.9,90,000/- to the accused and in order to repay the said loan accused has issued cheque dated 23.04.2018, for said amount, and it was dishonored for the reasons cheque stopped. Hence, the complainant got issued notice to the accused and accused failed to repay the same, hence the complainant has filed complaint for the offence P/U/Sec.138 of NI Act, after trial, the trial court has convicted the accused/appellant for the offence P/U/Sec.138 of NI Act. Hence the accused filed this appeal challenging the correctness and legality of the same. On 06.10.2025 the appellant has filed this application U/Sec.432 of BNSS for seeking permission to produced the documents for Addl. Evidence. It is contended in the application that, the proposed document is already produced before the trial court on 25.03.2021, said document is Memorandum of Understanding, dated 30.12.2017, entered between appellant and respondent, in connection with house property belongs to appellant, and even accused/appellant has taken defence in respect of proposed document, but, through over sight the



said document not marked during the evidence of accused, the said document is necessary to decide the case. After giving sufficient opportunities to the respondent for objection, the respondent and his counsel absent, hence objection taken as not filed and posted for hearing on application and thereafter, hearing on both side, taken as heard and posted for order.

3. I have gone through the contents of application and material placed before the court and I have also perused document proposed to be produced, on perusal of the same the points that would arise for determination are as follows;

POINT NO.1: Whether appellant/
accused made out in the ground that, the
application filed U/sec.432 of BNSS is
deserved to be allowed ?

POINT NO.2: What order ?

4. My findings to the above points are as follows;

Point No.1 : in the Affirmative.



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

REASONS

5. POINT NO.1: I have gone through the records of trial court received in the present appeal, it is seen that, the accused has produced certified copy of Memorandum of Understanding dated 30.12.2017, entered between one Dr.Nagareddy and Smt. Arun and Smt.Manasa, the said Dr. Nagareddy is complainant in the present case and said Arun is accused, same is entered between them in respect of house belongs to accused, situated in Bangalore, but, the said document was not marked before the trial court, though the said document produced by the accused before the trial court even prior to commencement of trial. On considering the facts stated in the complaint and defence taken by the accused in the cross-examination of complainant, I am of the opinion that, the document proposed to be produce is necessary document for just decision in the present appeal, hence I answered this point No.1 in the **Affirmative**.

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6. POINT NO: 2: In view of the finding on point

No.1, I proceed to pass the following;

ORDER

Application filed by the appellant

U/Sec.432 of BNSS Act is allowed.

Consequently, the documents

produced already taken on record.

(Dictated to the Stenographer-III directly on computer, transcript computerized by him, corrected, initialed and then pronounced by me in the open court, on this the 07th day of July - 2026)

(Yamanappa Bammanagi)
(II nd Addl. District and Sessions Judge
Yadgir, Sitting at Shorapur)