



**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE  
AND JMFC, VIRAJPET.**

**PRESENT: SRI. PRADIP POTADAR, B.COM. L.L.B.  
Principal Civil Judge and JMFC, Virajpet.**

**Dated this the 7<sup>th</sup> day of August 2025**

**Criminal Case No232/2020**

**COMPLAINANT** : Mr. M.R. Joseph  
S/o Raffel  
Aged about 50 years,  
Building contractor,  
Behind Canara Bank,  
Siddapur, Virajpet Taluk,  
Kodagu District.  
(By.**Sri.N.Rajesh Kamath**,  
Advocate)

**V/s**

**ACCUSED** : Sri. Jemcy Nanjappa  
S/o Nanjappa K.A  
Aged about 45 years,  
R/at T3A-1402,  
Godrej Woodsman Estate,



Hebbal, Bangalore.

(By. **Sri.H.R. Anwar Ahammed**,  
Advocate)

**APPLICANT** : Sri. Jemcy Nanjappa

- Vs -

**OPPONENT** : Mr. M.R. Joseph

**ORDER ON APPLICATION FILED BY THE ACCUSED  
UNDER SECTION 219 R/W 220 OF CRIMINAL  
PROCEDURE CODE.**

The present application is filed by the accused seeking to club C.C.No.82/2020, C.C.No.272/2020 and C.C.No.21/2021 along with this case.

2. It is stated that the complainant has filed C.C.No.272/2020, C.C.No.82/2020, C.C.No.27/2021 and this case before this court for the offence punishable under Section 138 of Negotiable Instrument Act. In the said cases the complainant and accused are one and the same. The alleged amount claimed is



different. The above four cases are connected and interlinked between same parties. The alleged offences committed within span of 12 months. Hence, above mentioned cases may be clubbed together for leading evidence and trial. On all these grounds accused prays to allow the application.

3. On the other hand the complainant has filed objection to the application. In the objection it is contended that the application is not maintainable. The present application is filed only circumvent the process of law and thereby the accused wants to play fraudulent act upon the court by twisting the facts and circumstances. The cause of action of the above cases are different from one another. The amount claimed different in each cases. It is contended that accused is habit of filing applications one after the other. In order



to drag the proceedings to harass the complainant. **On all these grounds the complainant prays to dismiss the application filed by the accused.**

4. Heard arguments on application from both the side and perused the materials on record.

5. The following points arise for my consideration:

**1) Whether the applicant has made out grounds to consider the application?**

**2) What order?**

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

**Point No.1:- In the NEGATIVE**

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

### **R E A S O N S**

7. **POINT NO.1-** I have carefully gone through the material available on record. The present case is filed in the year 2020. Since 3 years the accused has kept quit



and filed present application on 23.05.2023. The complainant has filed objection on 06.06.2023. Since 2 years both the parties have taken time to argue the matter on application. The record speaks that the accused has filed this application in order to protract the proceedings. The materials on record speaks that the complainant and accused in all four cases are one and the same.

8. In this case, the accused has not filed the present application at the earliest time, when he has appeared in these all cases. Records speaks that the accused has filed the application to prolong the cases. I do not found merits in the application. Therefore, this court opines to dismiss the application. Accordingly, **I answered Point No.1 in the Negative.**

9. **Point No.2:-** In view of my findings on Point No.1, proceed to pass the following :-



**ORDER**

**The application filed by the accused under Section 219 R/W 220 of Criminal Procedure Code is hereby dismissed with cost of Rs.200/-.**

*(Dictated to the stenographer, transcribed and computerized by her, then corrected, signed and pronounced by me in open court on this the 7<sup>th</sup> day of August 2025)*

Sd/-

**Prl.Civil Judge & J.M.F.C.,  
Virajpet.**



**(Vide Seperate Order Prounced in Open Court)**

**ORDER**

**The application filed by the accused under Section 219 R/W 220 of Criminal Procedure Code is hereby dismissed with cost of Rs.200/-.**

**Prl.Civil Judge & J.M.F.C.,  
Virajpet.**