



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 2325 OF 2026

BETWEEN:

M/S.SHREE ANNAPOORNESHWARI
NAGADEVARA DEVASTHANA
POLICE LINE , B.C ROAD, B.MOODA VILLAGE
BANTWAL TALUK
DAKSHINA KANNADA – 574 211
REPRESENTED BY ITS SECRETARY
SRI JAGANNATH SHETTY
S/O LATE NARAYANA SHETTY
AGED ABOUT 50 YEARS
R/AT BOLPU MATT, B.C.ROAD
JODUMARGA POST
B.MOODA VILLAGE
D.K. DISTRICT – 574 211.

...PETITIONER

(BY SRI S. RAJASHEKAR, ADVOCATE)

AND:

MR.MADHAVA KULAL
S/O RUKMAYA KULAL
AGED ABOUT 51 YEARS



R/AT. SANJEEVI COMPLEX
B.C.ROAD, OPP.MUNSIFF COURT
JODUMARGA POST, B.MOODA VILLAGE
BANTWAL TALUK
D.K.DISTRICT – 574 211.

...RESPONDENT

(BY SRI G.RAVISHANKAR SHASTRY, ADVOCATE)

THIS CRL.P FILED U/S 482 CR.PC (FILED U/S 528 BNSS)
PRAYING TO SET ASIDE THE ORDER DATED 09.02.2026
PASSED BY THE PRL.SENIOR CIVIL JUDGE AND JMFC,
BANTWAL, D.K., IN C.C.NO.17/2022 REJECTING THE
APPLICATION FILED BY THE PETITIONER U/S 311 AND SEC. 91
OF THE CR.P.C 1973 AND CONSEQUENTLY ALLOW THE SAID
APPLICATION BY PERMITTING THE PETITIONER TO ADDUCE
ADDITIONAL EVIDENCE IN SUPPORT OF THEIR CASE.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:



CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

Petitioner is before this Court calling in question an order dated 09-02-2026 passed by the concerned Court in rejecting the application filed under Sections 311 and 91 of the Cr.P.C.

2. Facts in brief, germane, are as follows:

2.1. The petitioner is the complainant, the respondent is the accused. The respondent is alleged to have misappropriated the funds belonging to the petitioner-temple and in this regard he is said to have issued certain cheques to the complainant. The cheques having been dishonored, the complainant is before the concerned Court for offence punishable under Section 138 of the Negotiable Instruments Act, 1881. The matter is pending as CC No.17 of 2022. The issue in the *lis*, at this juncture, is not with regard to the merit of the matter.

2.2. The petitioner files an application under Sections 311 and 91 of the Cr.P.C. seeking to produce certain documents.



The documents are perpetually sought to be produced on account of a written argument filed by the respondent with regard to the absence of a resolution to register the complaint itself. The concerned Court rejects the application on the score that the matter is posted for judgment and at that juncture the application filed could not be entertained. The rejection of the application has driven the complainant to this Court in the subject petition.

3. Heard Sri Rajashekar, learned counsel appearing for the petitioner and Sri G Ravishankar Shastry, learned counsel appearing for the respondent.

4. The learned counsel appearing for the respondent would submit that the application now made is fifth in line. The first application was filed on 22-02-2023 which was allowed on 03-05-2023; the second application filed on 13-09-2023 was allowed on 27-09-2023; the third application is made on 15-03-2024, which was again allowed on 30-04-2024 and the fourth application filed on 07-11-2024 was again allowed on 30-12-2024. The arguments stood concluded and the written



arguments if necessary were directed to be filed. In the written arguments owing to a contention, the petitioner again files an application under Sections 311 and 91 of the CrPC. The learned counsel would submit that the fifth application of this nature has been rightly rejected, as the matter was posted for its judgment.

5. The afore-narrated facts and the link in the chain of events which lie in a narrow compass are all not in dispute. The four applications earlier filed by the petitioner are all a matter of record, which is not in dispute. The fifth application comes about after the matter being posted for judgment, only on the score that there is averments in the written argument which would cut at the root of the matter with regard to the resolution being absent for registration of the complaint before the concerned Court.

6. The learned counsel for the petitioner is now wanting to harp upon a written argument, which would be considered by the concerned Court at the appropriate time while rendering the judgment. The judgment obviously would not be rendered



only on the written argument, but on all other contemporaneous documents or evidence that is produced before the Court. It is open for the petitioner also to file a counter written argument, if he so desires, and it is needless to observe that the concerned Court would consider the same and pass necessary orders in accordance with law.

Finding no warrant to interfere with the order impugned, the petition stands **dismissed**.

Interim order, if any subsisting, shall stand dissolved.

Sd/-
(M.NAGAPRASANNA)
JUDGE

Bkp
List No.: 2 Sl No.: 15