



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 3341 OF 2026 (482(Cr.PC) /
528(BNSS))

BETWEEN:

SRI A S KRISHNE GOWDA
S/O.LATE SIDDE GOWDA
AGED ABOUT 65 YEARS
COFFEE PLANTER
HOSAHALLI, AVATHI, AVATHI POST
CHIKKAMANAGLURU TALUK- 577101

...PETITIONER

(BY SRI. SANDESH KUMAR M., ADVOCATE)

AND:

SRI P N THYAGARAJ
SON OF LATE P.M.NANE GOWDA
AGED ABOUT 58 YEARS
AGRICULTURIST AND COFFEE BUSINESS
R/O.JOLDAPALYA, JOLDAL POST,
CHIKKAMAGALUR TALUK -577101.

...RESPONDENT

(BY SRI. UTSAV GOWDA P S., ADVOCATE)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528
BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING TO
QUASH THE ORDER DATED 17.02.2026 PASSED BY II ADDL.
SENIOR CIVIL JUDGE AND J.M.F.C. CHIKKAMAGALURU WITH

Digitally signed
by SANJEEVINI
J KARISHETTY
Location: High
Court of
Karnataka



RESPECT TO THE APPLICATION FILED U/S. 311 OF CR.P.C.
VIDE ANNEXURE-E.

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

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

ORAL ORDER

The petitioner is before this court calling in question the
rejection of an application under Section 311 of Cr.P.C.

2. Heard the learned counsel appearing for the
petitioner and the learned counsel appearing for the
respondent.

3. The petitioner is the accused, the respondent is the
complainant. The two have a transaction. The transaction had
led the complainant before the concerned court invoking
Section 200 of Cr.PC, for offence punishable under Section 138
of the Negotiable Instruments Act.

4. The issue to the lis does not relate to the merit of
the claim of the complainant or the defense of the accused.
When an application comes to be filed by the accused under



Section 311 Cr.P.C., seeking to summon the bank manager for the purpose of speaking on the documents that have already been marked. The concerned Court has rejected the application on the score that it should not be necessary in the light of the proceedings being summary in nature. That is what is called in question in case at hand.

5. The learned counsel appearing to the petitioner would reiterate the grounds that are set out in the application or in the petition to contend that one opportunity ought to have been given to the petitioner to examine the Bank Manager qua, the documents that are already in place.

6. The Learned counsel appearing for the respondent submits that the instrument is admitted, the signature is admitted and what remains under Section 143 of the N.I. Act is with regard to liability. The Bank Manager cannot be summoned to speak up to all the documents that are produced in a summary trial.

7. I have given my anxious consideration.



8. The issue in the subject case lies in a narrow compass. The order that drives the petitioner to this Court in the subject petition is as follows:

ORDER ON APPLICATION U/S 311 OF Cr.P.C. FILED BY
THE ACCUSED.

The accused has filed the present application under Section 311 of Cr.P.C. seeking summoning of (1) Dr. Santhosh Netha, Spandana Hospital, Chikmagalur and (2) the Manager, Bank of Baroda, Avathi Branch, Chikmagalur Taluk, contending that their evidence necessary to substantiate his defence is

2. The complainant has filed detailed objections contending that the application is not maintainable, that it is filed at a belated stage only to protract the proceedings, that the proposed witnesses are not relevant to the issues involved in the present complaint, and that the power under Section 311 of Cr.P.C. cannot be exercised to fill up lacunae in the defence of the accused.

3. The present case is a complaint filed under Section 138 of the Negotiable Instruments Act, 1881, wherein the primary issues for consideration are the issuance of cheque, existence of legally enforceable debt or liability, dishonour of cheque, issuance and service of statutory notice, and failure of the accused to make payment within the statutory period.

4. It is well settled that the power under Section 311 of Cr.P.C. is wide and discretionary, but the same has to be exercised judiciously and only if the evidence sought to be adduced appears to the Court to be essential for a just decision of the case. The provision cannot be invoked as a matter of right, nor can it be used to the unnecessarily delay proceedings or to fill up omissions or lacunae in the defence.

5. In the present case, the accused has not specifically explained as to how the testimony of the Doctor from



Spandana Hospital or the Bank Manager of Bank of Baroda is directly relevant to the ingredients required to be proved in a case under Section 138 of the Negotiable Instruments Act. Except making a bald assertion that their examination is necessary to prove his defence, no material particulars or nexus has been shown between the proposed evidence and the facts in issue.

6. Further, the case is already posted for defence evidence, and the accused had sufficient opportunity earlier to disclose his list of witnesses. The present application is filed at a belated stage without any satisfactory explanation, which supports the contention of the complainant that the application is intended to delay the final disposal of the case.

7. This Court is of the considered opinion that permitting the summoning of the said witnesses, in the absence of demonstrated relevance and necessity, would cause undue delay and prejudice to the complainant rather than advance the ends of justice. Hence I proceed to pass the following

ORDER

The application filed by the accused under Section 311 of Cr.P.C. is hereby dismissed.

9. The concerned Court has observed that the matter is already posted for defense evidence and sufficient opportunity had already been granted to disclose the list of witnesses. If the concerned court's observation were not in tune with law, it would not become a circumstance of this court to allow the application and permit examination of the manager once the document is already marked.



10. Section 143 of the Act would direct that the proceedings before the concerned for offence punishable under Section 138 of the N.I. Act, are summary in nature. In a summary trial, what is necessary is admitted signatures, the instrument, and the liability of transaction between the parties.

11. I find no merit in the petition and the petition stands **dismissed**.

Ordered accordingly.

SD/-
(M.NAGAPRASANNA)
JUDGE

HR
List No.: 2 Sl No.: 27