



CNR: KAHC010181302019

NC: 2026:KHC:48524
CRL.P No. 4625 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.4625 OF 2019

BETWEEN:

SMT. INDIRA
W/O J RAMA
AGEED 57 YEARS
R/AT UMMANNA COMPOUND
CYCLE ROAD, MORGANS GATE
MANGALORE, D K-575002

...PETITIONER

(BY SRI. SUYOG HERELE E, ADVOCATE)

AND:

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

1. THE STATE OF KARNATAKA
THROUGH C P I OF
SOUTH POLICE STATION
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
HIGH COURT OF KARNATAKA
BANGALORE-560 001
2. MR. DEVDAS KUMAR
S/O LATE K GOPAL
AGED ABOUT 52 YEARS
R/AT SRI. KATEEL
OLD KENT ROAD, PANDESHWARA
MANGALURU - 575003



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3. MRS. B. PRAMILA DEV
W/O MR.DEVDAS KUMAR
AGED ABOUT 47 YEARS
R/AT KATEEL OLD KENT ROAD
PANDESHWARA
MANGALURU - 575003
4. MR. DIVAKAR
FATHERS NAME NOT KNOWN TO THE PETITIONER
MAJOR
CORPORATOR
MANGALORE CITY CORPORATION
MANGALURU - 575001
5. MR. RAJESH
S/O CHANDRAHAS
AGED ABOUT 36 YEARS
R/AT KELAGINA MANE
YEKKURU, POST BAJAL
MANGALURU-575007
6. MR.RALPH WILTON
S/O DILIP MABEN
MAJOR
MANJESHWAR COMPOUND
PANDESHWAR
MANGALURU - 575001
7. MR. DINESH
S/O RAMA
OLD KENT ROAD
DOOMAPPA COMPOUND
PANDESHWARA
MANGALURU - 575001

...RESPONDENTS

(BY SRI MOHAMMED AYUB ALI, ADDL. SPP FOR R1;
SRI ABHISHEK MARLA M J, ADVOCATE FOR R2 & R3;
R4, R5, R6 & R7 ARE SERVED)



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THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO SET ASIDE THE ORDER DATED 23.03.2019 IN C.C.NO.868/2012 PASSED BY THE II ADDITIONAL CJM, MANGALURU AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

This matter is listed for admission. Heard the learned counsel appearing for the petitioner and also the learned Addl. SPP appearing for the State and the learned counsel appearing for respondent Nos.2 and 3.

2. This petition is filed praying this Court to quash the order dated 23.03.2019 passed in C.C.No.868/2012 by the Trial Court in rejecting the application filed under Section 91 of Cr.P.C. The counsel would submit that the Trial Court while rejecting the application an observation is made that when the original documents are marked in civil suit, can obtain the certified copies and can conclude her evidence. It is not necessary to summon those documents.



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3. The counsel appearing for the petitioner would submit that earlier also petition was filed before this Court in Criminal Petition No.3354 of 2018 and this Court dismissed the said petition vide order dated 07.06.2018 wherein an observation is made that those documents are not at all in their possession and those documents were already produced in O.S.No.691/2009 and they were already marked as Exhibits. Under the above circumstances, Trial Court has dismissed the application as the purpose of filing the application was defeated on the ground that accused persons were not having possession of those documents. Therefore, this Court do not find any strong reasons to interfere with order passed by the learned Magistrate.

4. Now, the counsel for the petitioner would vehemently contend that when the documents are marked in original suit and the very allegation made against the accused that they indulged in forging of documents and thus, the original documents are necessary before the Court to proceed against the accused persons and hence, an application was filed under Section 91 of Cr.P.C. Accordingly, the order impugned is



liable to be set aside and document may be summoned from the original suit.

5. Per contra, the learned counsel appearing for respondent Nos.2 and 3 would submit that already permission is given to produce the certified copies and hence, no need of setting aside the order. The learned Addl. SPP appearing for the State would submit that the Trial Court considering the application and grounds urged in the application as well as statement of objections, passed the impugned order.

6. Having heard the respective counsel and also on perusal of material on record and taking note of reasons assigned in the application filed under Section 91 of Cr.P.C which is numbered as Document No.6 and so also having considered the order passed by the Trial Court wherein the only reason assigned is that already documents are marked in the civil suit and certified copy of the same can be produced and can conclude the evidence, it discloses that the issue is with regard to invoking of the offences punishable under Sections 465, 468, 420, 471, 506 read with Section 34 of IPC. When such allegations are made, the original documents are required



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to comes to the conclusion that whether the documents are forged or not and made use of those documents or not and the same is the crux of the issue. When such being the case, the Trial Court ought not to have passed the impugned order holding that the complainant can obtain the certified copy and those documents can be marked and conclude her evidence. The reasoning given by the Trial Court is erroneous. Hence, it requires interference of this Court.

7. In view of the discussions made above, I pass the following:

ORDER

The petition is allowed.

The order impugned dated 23.03.2019 passed in C.C.No.868/2012 is set aside. Consequently, the application filed under Section 91 of Cr.P.C is allowed.

Sd/-
(H.P.SANDESH)
JUDGE

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