



CNR: KAHC010284082024

NC: 2026:KHC:50426
CRL.P No. 4804 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 4804 OF 2024

BETWEEN:

MR T ANAND
S/O LATE THIMMEGOWDA
AGED ABOUT 49 YEARS
R/A HUSKUR VILLAGE
DODDABLAVANGALA HOBLI
DODDABALLAPURA TALUK
BENGALURU RURAL DISTRICT
KARNATAKA-562162

...PETITIONER

(BY SRI. SANJAY KRISHNA V.,ADVOCATE)

AND:

MRS V VARALAKSHMI
D/O MR VEERINAIDU
AGED ABOUT 63 YEARS
R/A NO.401, KIRLAMPUDI ARCADE
OPP: NITT
ASILMETTA JUNCTION
VISHAKAPATNAM
ANDHRA PRADESH-530020
REPRESENTED BY GPA HOLDER

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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MR DHARMAPAP D
S/O DYAVAPPA
AGED ABOUT 45 YEARS
R/A HADRIPURA VILLAGE
DODDABELAVANGALA HOBLI
DODDABALLAPURA TALUK
BANGALORE RURAL DISTRICT-561204

...RESPONDENT

(BY SMT. MONICA PATIL., ADVOCATE)

THIS CRL.P IS FILED U/S.482 CR.PC. PRAYING TO SET
ASIDE THE ORDER DATED 25.04.2024 PASSED BY THE
LEARNED VI ADDL.SMALL CAUSES JUDGE AND A.C.M.M IN
C.C.NO.24373/2016 PRODUCED UNDER ANNEXURE-A.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C. seeking
to set aside the order dated 25.04.2024 passed in
C.C.No.24373/2016 by the VI Additional Small Causes Judge
and ACMM, Bengaluru (for short, 'learned Magistrate'), whereby



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the learned Magistrate rejected the application filed by the petitioner - accused under Section 91 of Cr.P.C.

2. The factual matrix of the case is that respondent No.2 filed a private complaint against the petitioner for the offences punishable under Sections 138 and 142 of the Negotiable Instruments Act, 1881 (for short, 'NI Act'), alleging that the petitioner had borrowed a hand loan of Rs.50,00,000/- from him and towards discharge of the said liability, issued two cheques. However, the said cheques were dishonoured with the endorsement "Account Closed". Consequently, respondent No.2 filed the private complaint against the petitioner.

3. During the course of trial before the learned Magistrate, the accused-petitioner filed an application under Section 91 of the Cr.P.C., seeking issuance of summons to the Bank Manager of Oriental Bank of Commerce, Jayanagara Branch, Bengaluru, for production of documents relating to the disbursement of loan to the complainant during the period from 2008 to 2009. The said application was opposed by the complainant. Upon consideration, the learned Magistrate dismissed the application filed by the petitioner. Aggrieved by



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the said order, the petitioner-accused has preferred the present petition.

4. Heard the learned counsel for the petitioner - accused and the learned counsel for respondent - complainant.

5. Learned counsel for the petitioner-accused contended that, PW.2, in the course of his cross-examination, has categorically admitted that no loan was sanctioned by the Bank for the development of the land belonging to the accused and that the loan sanctioned by the Bank was only for the purpose of development of the complainant's land. In view of the said admission, the learned counsel contended that the examination of the concerned Bank Manager is necessary for the just and proper adjudication of the case. It is further contended that PW.2 has admitted in his cross-examination that there is no impediment to examining the Bank Manager in respect of the aforesaid aspect. Hence, the learned counsel submits that the documents sought for by the petitioner are relevant and necessary for effectively adjudicating the matter and, accordingly, he prays to allow the petition.



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6. *Per contra*, learned counsel for the respondent-complainant opposed the prayer of the petitioner, contending that the application has been filed at a belated stage with an intent to protract and stall the proceedings. It is further contended that the accused has not disputed either the lending of the loan amount or the issuance of the cheques in question. In such circumstances, the learned counsel would submit that the examination of the Bank Manager or production of the documents sought for by the petitioner-accused would serve no useful purpose and is wholly unnecessary for adjudication of the case. Accordingly, she prays for dismissal of the petition.

7. I have given my anxious consideration to the submission made by the learned counsel for the respective parties so also perused the documents available on record.

8. As could be gathered from records, no doubt, the application filed by the petitioner-accused under Section 91 of the Cr.P.C. has been preferred at a belated stage, when the matter had already been posted for arguments. However, on perusal of the cross-examination of PW.2, it is evident that the loan in question was obtained by the complainant for the



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development of her own land and not for the development of the land belonging to the accused. In order to substantiate the said assertion, the examination of the concerned Bank officials and production of the relevant documents would be necessary for the accused.

9. It is also pertinent to note that PW.2, in the course of his cross-examination, has admitted that there is no impediment for examining the Bank officials and for production of the relevant documents. Therefore, merely because the application has been filed at a belated stage, the same cannot, in the facts and circumstances of the present case, be rejected when the documents sought for appear to have a bearing on the defence of the accused.

10. In the aforesaid circumstances, I am of the considered view that the application filed by the petitioner-accused under Section 91 of the Cr.P.C. deserves to be allowed. At the same time, considering the fact that the proceedings are pending for long time, the learned Magistrate is directed to conclude the proceedings expeditiously, within a



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time-bound period, so as to meet the ends of justice.

Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The order dated 25.04.2024 passed in C.C.No.24373/2016 by the VI Additional Small Causes Judge and ACMM, Bengaluru is set aside.
- iii. Consequently, the application filed by the petitioner under Section 91 is ***allowed***.
- iv. Learned Magistrate is directed to issue summons to the witness mentioned in the application and direct the witness to be present along with the documents stated in the application.
- v. After such examination, the learned Magistrate is requested to



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dispose of the matter at the earliest in a
time bound manner i.e., in a outer limit
of five months.

SD/-
(RAJESH RAI K)
JUDGE

CR
List No.: 1 Sl No.: 6