IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO.15939 OF 2025

BETWEEN:

SMT. VIDYAVATHI,
W/O ASHOK BHAT,
AGED ABOUT 51 YEARS,
R/AT IDDYA HOUSE, MANGALURU CITY,
KARNATAKA- 575014.

…PETITIONER

(BY SMT. PRIYANKA K., ADVOCATE)

AND:

SRI. DEEPAK KUMAR SHETTY,
S/O SRI. BALAKRISHNA SHETTY,
AGED ABOUT 40 YEARS,
PROPRIETOR M/S. DEEPAK WINES,
R/AT D.NO.1-8, KULAI POST,
MRPL ROAD, KANA, MANGALORE.

…RESPONDENT

Digitally signed by LAKSHMI T
Location: High Court of Karnataka

THIS CRL.P FILED U/S 482 CR.PC (FILED U/S 528 BNNS) PRAYING TO ALLOW THE PETITION AND SET ASIDE THE ORDER DATED 15.10.2025 PASSED BY II ADDITIONAL DISTRICT AND SESSIONS COURT IN CRL.A NO.390/2024 (ANNEXURE-C) AND CONSIDER THE APPLICATION FILED U/S 391 OF AND ALLOW THE PETITIONER TO PRODUCE THE EVIDENCE TO PROVE HER INNOCENCE.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

Petitioner is seeking to set aside the order dated 15.10.2025 passed by the II Additional District and Sessions Judge in Crl.A.No.390/2024.

2. The learned Sessions Judge vide impugned order has rejected the application filed by the petitioner under Section 391 of Cr.P.C. seeking to adduce additional evidence.

3. Matter pertains to a case relating to Section 138 of the NI Act, initiated by the respondent in respect of dishonour of a cheque amounting to Rs.10,00,000/-, allegedly issued by the petitioner/accused. The accused was convicted by the trial Court. Aggrieved by the judgment and order of conviction and sentence, he filed Crl.A.No.390/2024 before the Sessions Court, wherein he filed an application under Section 391 of Cr.P.C. seeking additional evidence i.e., for production of electronic

documents namely the photos and videos of the respondent with whom the appellant's finance employee by name one Yakshath was allegedly involved in a criminal conspiracy. It is contended by the learned counsel that since there was a meeting convened by the complainant and the petitioner's finance employee, the said evidence was crucial to prove the meeting and to show that the accused was falsely implicated in the case.

4. The petitioner wants to prove by producing additional evidence like photos and videos of the complainant alleging that petitioner's finance employee was involved in a criminal conspiracy. Such a prayer in a case of this nature cannot be allowed. The application filed under Section 391 of Cr.P.C. at the stage of appeal to furnish electronic documents such as photos and videos is not only an afterthought, but filed to prolong the matter.

5. The learned Sessions Judge while dismissing the application has taken into consideration that a detailed cross-examination was done by the accused and in the

said entire cross-examination, no such stand was taken. Even accepting the contention of the learned counsel that such evidence was obtained later, the application cannot be allowed for the aforementioned reasons. The learned Sessions Court Judge has observed that if the employee of the accused was involved in criminal conspiracy with the complainant, appropriate legal action can be taken as provided under law and the photos and videos involving criminal conspiracy cannot be taken on the record in a case of this nature. There is no error or illegality in rejecting the application.

Petition is ***dismissed***.

I.A. Nos.1/2025 and **2/2025** are ***disposed of***.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

DS
CT:TSM
List No.: 1 Sl No.: 18