IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 5595 OF 2024

BETWEEN:

SMT. H.N SRIDEVI
W/O SRI SADASHIVA
AGED ABOUT 59 YEARS
RESIDING AT NO.18
VENKATADHAMA APARTMENT
5TH MAIN ROAD, 6TH CROSS
NARASIMHA RAJA COLONY
BENGALURU-560 019

...PETITIONER

(BY SRI. GURUNATH T.S, ADVOCATE)

AND:

SMT. MAMATHA DEVARAJ
AGED ABOUT 55 YEARS
W/O SRI. R.V DEVARAJ
RESIDING AT NO.50, 'C' STREET
NEAR VILAS HOSPITAL
BENGALURU-560 002

...RESPONDENT

(BY SRI. RAGHAVENDRA K, ADVOCATE)

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO SET ASIDE THE ORDER DATED 30.04.2024 ON I.A. IN C.C.NO.418/2020 PASSED IN THE COURT OF JUDGE COURT OF SMALL CAUSES AND A.C.M.M BENGALURU CITY.

THIS PETITION HAVING BEEN RESERVED FOR ORDERS ON 14.10.2026 COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

CAV ORDER

This criminal petition is filed under Section 482 of Cr.P.C to set aside the order dated 30.04.2024 passed in C.C No.418/2020 by the Civil Judge of Small Cause and ACMM at Bengaluru (SCCH-9) [for short, "the Trial Court"], whereby the Trial Court rejected the application filed by the petitioner-accused under Section 91 read with Section 311 of Cr.P.C.

2. The factual matrix of the case is that respondent-complainant filed a private complaint against the petitioner under Section 200 of the Cr.P.C. for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short, "the N.I. Act"), alleging dishonour of cheque bearing No.594173 dated 03.10.2019 for a sum of Rs.30,00,000/-. During the course of trial, after completion of examination of DW.1, the petitioner filed an application seeking to summon the Manager of Pooja Mahila Credit Co-operative Ltd., Model House Street, opposite Shamana Park, N.R. Colony, Basavanagudi, Bengaluru, to produce the stamp papers bearing Certificate

Nos. IN-KA85642014465030M dated 29.12.2014 and IN-KA89326803915468N dated 05.01.2015. However, the Trial Court rejected the application on the ground that the said documents were not relevant for the just disposal of the case. Aggrieved by the said order, the petitioner-accused has preferred the present petition.

3. Heard the learned counsel for the respective parties.

4. Apart from raising several contentions, learned counsel for the petitioner primarily contended that, during the course of complainant's evidence, she had produced two stamp papers of Rs.100/- each, which were marked as Ex.P7. During cross-examination, the complainant was questioned as to whether she had purchased four stamp papers, each worth Rs.100/-, from Pooja Mahila Credit Co-operative Society. However, she denied the said suggestion. Hence, learned counsel contended that the details of purchase of the remaining two stamp papers are essential to substantiate the defence of the petitioner that the respondent had forcibly obtained his signatures on four stamp papers, out of which, she had produced only two. He further contended that the respondent

had not advanced any loan amount to the petitioner-accused and, despite obtaining his signatures on the stamp papers and cheque, had instituted a false case against him for unlawful gain. Therefore, he submitted that the Trial Court erred in rejecting the application filed by the petitioner under Section 91 read with Section 311 of the Cr.P.C. Accordingly, he sought to allow the petition.

5. *Per contra*, learned counsel for the respondent-complainant contended that the application has been filed only to protract the proceedings at the fag end of the trial. According to him, the defence of the petitioner in the proceedings is that the respondent had stolen the cheque in question and other documents and instituted a false case against him for unlawful gain. He further contended that the documents sought to be summoned by the petitioner are not relevant for the just disposal of the case. Accordingly, he sought to dismiss the petition.

6. I have given my anxious consideration to the submissions made by the learned counsel for the respective parties and also perused the entire documents available on record.

7. As could be gathered from the records, admittedly, the proceedings initiated by the respondent against the petitioner are at the fag end of the trial. The application was filed after completion of the evidence of DW.1. On careful examination of the evidence of DW.1, it is evident that he has stated that the respondent and her henchmen used to visit the petitioner's house and that, upon verification, he came to know that his and his wife's cheque books, along with certain other documents, had been stolen.

8. The aforesaid being the defence of the petitioner-accused, the documents sought to be summoned under the application have no bearing on the said defence. It is not the case of the petitioner that the respondent had forcibly obtained his signatures on the stamp papers and relied upon the same in the present proceedings. The two hand-loan documents executed by the petitioner on stamp papers have already been marked in evidence as Ex.P7. Even assuming that the respondent had obtained two other stamp papers from the petitioner, the same would have no bearing on the defence raised by the petitioner or on the just disposal of the case. In such circumstances, in my considered view, the Trial Court was

justified in rejecting the application. Accordingly, the petition, being devoid of merits, is ***dismissed.***

SD/-
(RAJESH RAI K)
JUDGE

PKS/K