HC-KAR

NC: 2026:KHC:59963
WP No. 27864 of 2026

CNR: KAHC010616222026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 27864 OF 2026 (GM-RES)

BETWEEN:

SRI PRASANNA V GHOTAGE,
S/O FATHER S NAME,
AGED ABOUT 62 YEARS,
PROPRIETOR, M/S. PRASANNA V. GHOTAGE,
NO.1088/B, PRERANA HOMMES,
RANADE COLONY, HINDWADI,
BELGAUM - 590 011,
(BENEFIT OF SENIOR CITIZEN NOT CLAIMED).

…PETITIONER

(BY SRI SATYANARAYAN CHALKE.,ADVOCATE)

AND:

M/S BEML LIMITED,
(FORMERLY BHARAT EARTH MOVERS LIMITED),
(A GOI MINI RATNA
COMPANY UNDER MINISTRY OF DEFENCE)
BEML SOUDHA, 20/1,
4TH MAIN ROAD, S.R. NAGAR,
BANGALORE - 560 027,
REPT.BY ITS AUTHORISED SIGNATORY.

…RESPONDENT

(BY SRI ASHOK B PATIL, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE INDIAN CONSTITUTION READ WITH SECTION 528 OF THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 PRAYING TO QUASHING/SETTING ASIDE THE ORDER DATED. 15.06.2026, PASSED BY THE XX ADDITIONAL SMALL CAUSES JUDGE AND ADDITIONAL CHIEF JUDICIAL MAGISTRATE (SCCH-22), BENGALURU, IN C.C.NO.10315/2017, C.C.NO.10320/2017,

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C.C.NO.10322/2017, C.C.NO.10325/2017,C.C.NO.10330/2017, DISMISSING THE PETITIONERS APPLICATION UNDER SECTION 94 OF THE BNSS (ANNEXURES-D, D1, D2, D3, D4) AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

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

2. This petition is filed challenging the order rejecting the petitioner's application under Section 94 of Bharatiya Nagarika Suraksha Sanhita, 2023. In terms of which the application to summon the records maintained by the petitioner's Bank Ratnakar Bank Limited, Panaji Branch, Goa, is rejected.

3. Learned counsel for the petitioner would submit that the cheque issued by the petitioner was dishonoured, as the account of the petitioner was freezed.

4. It is the submission that, if the cheque is dishonoured when the account was freezed, it is not an offence

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under Section 138 of the Negotiable Instruments Act, 1881. Thus, to establish the defence, the petitioner moved an application to summon the Bank Manager along with the records. However, the said application is rejected on the ground that the petitioner can secure the document on his own and produce it before the Court. The learned counsel would urge that the order has to be set aside.

5. Learned counsel appearing for the respondent would submit that, earlier to the application which is rejected by the Court, the petitioner had filed a similar application with a similar prayer and the same was allowed and pursuant to that order the Bank Manager appeared. The Manager did not produce the document. The petitioner did not examine the Manager who was present before the Court and he did not take any steps to secure the document. Thereafter, the second application is filed and the Trial Court is justified in rejecting the said application.

6. The Court has considered the contentions raised at the Bar and perused the records.

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7. Learned counsel for the respondent is justified in making the submission that the application filed earlier is similar to the application filed subsequently. However, what is required to be noticed is when the earlier application was allowed, the Manager did not produce the document which is sought by the petitioner. The said document is said to be the document relating to the freezing of the petitioner's account. The Court is of the view that document would be a relevant piece of evidence in the case.

8. That being the petition since the Manager did not produce the document, the Court could not have rejected the application. Even assuming that the Court could have rejected the application, the Court should have taken steps to ensure that the earlier order is given effect to. That is not done.

9. That being the position, the impugned order has to be set aside. The Ratnakar Bank Limited, Panaji Branch, Goa, is directed to produce the documents relating to the petitioner's account being freezed. It is made clear that, it is not necessary that the Manager from the Ratnakar Bank Limited, alone should appear before the Court. Any authorized representative of

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Ratnakar Bank Limited, Panaji Branch, Goa can come and produce the records before the Trial Court.

10. The petitioner shall not raise any objection as to the authority of the representative of the Bank to produce the said record.

11. It is also noticed that the case is pending since last 14 years. It is also noticed that the petitioner has taken sufficient adjournment before filing the application for production of the document.

12. Under the circumstances, both parties shall co-operate for early disposal. The matter shall be decided within 4 months from the date of receipt of the certified copy of this order.

13. It is made clear that this Court has not expressed any opinion on the merits of the case of the parties.

14. The Trial Court shall issue the summons to the Ratnakar Bank Limited, Panaji Branch, Goa and shall also

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specify as to which document has to be produced before the Court.

15. With these observations, the Writ Petition is ***allowed.***

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(ANANT RAMANATH HEGDE)
JUDGE

GVP
List No.: 2 Sl No.: 51