



**GANG04004492014**

**Criminal Case No:- NIA 277/2014/G**

**APPEARANCE;**

*Learned Advocate, Mr.S. Desai, for the complainant.*

*Learned Advocate, Mr. S. Fernandes, for the accused.*

**O R D E R on Exhibit D-41**

*(Delivered on this 20<sup>th</sup> day of December, 2022)*

This is an application for production of documents filed on behalf of the complainant.

2. Heard arguments by Ld. Adv Mr. S. Desai for the complainant, Ld. Adv Mr. S. Fernandes for the accused.

Perused the present application, its say endorsed and other

relevant documents. Considered the arguments advanced and the records perused.

3. It is the case of the complainant that (1) registration name of the complainant society is change from Deendayal Nagari Sahakari Path Sauntha Maryadit to Deendayal Multipurpose Co-operative Society Ltd. (2) the registration code symbol number is also changed from RES-(a)-26/NZ/Goa to RES-(C)-5/MP/BZ/Goa. (3) the Assistant Registrar of Co-operative Societies Bicholim Zone Sankhali, issued amended certificate of registration bearing no.RES-(a)-26/NZ/Goa dated 22.06.2021 and (4) Corrigendum bearing No RES-(a)-26/NZ/Goa/444 dated 16.08.2021 with respect to the change in classification.

4. It is further contended that the complainant intends to produce on record the statement of loan account of the accused along with 65B certificate of Indian Evidence Act. The statement of loan account which was produced at the time of filling complaint is without 65B certificate of Indian Evidence Act and the representative who filed the

same already retired from the complainant society. The complainant intends to produce on record amended certificate of registration bearing no.no.RES-(a)-26/NZ/Goa dated 22.06.2021 and Corrigendum bearing No RES-(a)-26/NZ/Goa/444 dated 16.08.2021, statement of loan account along with 65B certificate of Indian Evidence Act.

5. On the other hand, the accused has endorsed his say stating that the application is bad in law and production of the document is not relevant and is fabricated.

6. On perusal of the amended certificate of registration bearing no. no. RES-(a)-26/NZ/Goa dated 22.06.2021 and Corrigendum bearing No RES-(a)-26/NZ/Goa/444 dated 16.08.2021, statement of loan account along with 65B certificate, sought to be produced, it is seen that the same is in connection with the facts of the present case. Thus, it could be material in determining thereal question in controversy between the parties and as

such would assist this Court in proper adjudication of the present proceedings. Moreover, under the Instrument of Negotiable Act, the onus can shift from one party to another and hence this document is irrelevant. As regard to cost, it is pertinent to note that the matter was specifically posted for final argument and as such the prejudice caused to the accused cannot be ruled out.

7. In view of the same, I am inclined to allow the present application.

In such circumstances, I pass the following;

**ORDER**

- i. The application is allowed.
- ii. The complainant is permitted to produce the documents (1) to (4) on record.

*Pronounced in the Open Court.*

Mapusa- Goa  
20.12.2022.

vg\*

(Pooja S. Desai)  
J.M.F.C., 'G' Court,  
Mapusa-Goa.