

22.8.2024

ORDER ON APPLICATION U/S 311 OF CRPC

The Complainant has filed application U/Sec.311 of Cr.P.C seeking recall the stage for leading further Complainant evidence.

2. On the other hand, the learned Counsel for Accused filed written objections contending that at this belated stage the application is not maintainable. It is further submitted that matter is set down for argument at this belated stage to fill up the lacunae in her evidence the Complainant has filed frivolous application. It is further contended that, the Accused has taken only Rs.1 lakh from Complainant and same was returned back to the Complainant as admitted by the Complainant in her cross-examination. Except the said transaction, the Accused has not taken any amount as alleged in the complaint. It is further contended that the Complainant has not produced any cogent evidence to substantiate the averments made in the application. For all these reasons prayed for rejection of the application.

3. Heard both sides and perused the materials on record.

4. It is submitted by the Complainant that the matter is posted for final arguments. Further submits that in the year 2012 the Complainant had gave handloan of Rs.7 lakhs to the Accused and that time the Accused has executed handloan on 1.1.2012 thereafter Accused has returned Rs.1 lakh amount out of Rs.7 lakhs to the Complainant. For remaining amount, the Accused has issued present subject matter of the Cheque. It is further submits by the Complainant that at the time of filing of complaint

the said loan agreement was mixed in other property documents and due to old age of the Complainant, she has not remembering about the said documents and even in the cross-examination she will undertake to produce the loan amount. Therefore, now the Complainant intending to produce the said document along with NCR filed against the Accused by the Complainant before police and documents issued by the HAL.

5. The above said documents are original copies and same are admissible in evidence. The Accused is every liberty to cross examine on the said document. Therefore, in the interest of justice and equity application filed by the Complainant deserved to be allowed. Hence, I proceed to pass the following;

ORDER

Application filed by the Complainant U/S.311 of Cr.P.C. is hereby allowed on costs of Rs.500/-.

PW1 is recalled for further examination.
For further examination of PW1, call on

(PARVEEN A BANKAPUR)
XXXIV ACJM, BENGALURU.