

**26.09.2024**

**ORDER**

**ORDERS ON APPLICATION U/S 145(2) CR.P.C.**

The counsel for the complainant has filed this application U/Sec. 145(2) of Cr.P.C to permit him to produce and get mark the documents annexed to the list furnished alongwith the application.

He has stated that the complainant during the cross-examination of PW1 certain aspects are posed on behalf of the accused as contrary to his pleadings in the written statement of the suit filed by the complainant in OS.No.133/2023 on the file of the Prl.Junior Civil Judge, Punganur, for recovery of the amount due to the complainant under the pro-note in plaint and the written statement of the defendant in the said suit who is accused in this case to disprove his defence in certain aspects are false. Further an emphasis is also made on behalf of the accused that the complainant has no capacity to advance money to

the accused for which though the complainant clearly explained in his cross-examination that he has received Rs.50,00,000/- on 04.01.2020 towards the settlement of his land at Punganur, which was settled for Rs.2,60,000/-. The complainant has paid Rs.15,00,000/- on 16.01.2020 to the accused. In that connection a balance of Rs.,10,00,000/- was fell in pending by one K.Natraj who issued cheque for Rs.10,00,000/- and dishonored the said cheque and for which the complainant was forced to file a complaint in C.C.No.54751/2021 U/s.138 of Negotiable Instruments Act which was settled and withdrawn 25.06.2024 and to prove the said fact the complainant is filing the certified copy of complaint in C.C.No.54751/2021 on the file of this court. All these above certified copies are necessary to be marked as exhibits on behalf of the complainant. They are all clearly described here under in the list of documents. Accordingly, prayed for allowing the application.

Inspite of sufficient opportunity the accused has not filed objections.

Heard the counsel for the complainant. Perused the materials available on record.

I have gone through the application, objections and other materials available on record. It is relevant to mention here that the complainant intends to produce the documents mentioned in the list annexed to this application in view of the questions post by the accused during the cross-examination of PW1 in relation to suit in O.S.No.133/2023 on the file of Prl.Junior Civil Judge, Punganur, and also in order to established his financial capacity and as such it is stated to be necessary and relevant to prove the case of the complainant. It is relevant to mention here that the accused has not filed any objections to the present application. Further if the application is allowed no hardship would be cause to the other side since he would be having opportunity to cross-examine on the said documents. Further it is necessary to permit the complainant to produce the documents soought as full and fair opportunity are to be given to the parties to

prove their respective cases. Accordingly, I pass the following:-

**O R D E R**

The application filed by the complainant U/Sec.145(2) of Cr.P.C. is hereby allowed on cost of Rs.200/-.

For further chief PW1, if any.

Call on:

**XXXIII ACJM, BENGALURU.**