

Mohammad Althaf Sayed vs Vasanth V Pai

Mohammad Althaf Sayed vs Vasanth V Pai

SooperKanoon Citation : sooperkanoon.com/1513180

Court : Karnataka Orders

Decided On : Jun-22-2026

Judge : Ravi V Hosmani

Appeal No. : CRL.P/706/2022

Appellant : Mohammad Althaf Sayed

Respondent : Vasanth V Pai

Advocate for Def. : Sri. Siddeshwara

Advocate for Pet/Ap. : Sri. Syed Kaleem Pasha

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JUNE, 2026 BEFORE THE HON'BLE MR. JUSTICE RAVI V HOSMANI CRIMINAL PETITION NO. 706 OF 2022 BETWEEN: MOHAMMAD ALTHAF SAYED S/O S M ABDUL KHUDUS AGED ABOUT 39 YEARS PROPRIETOR M/S ABR DISTRIBUTORS NO.714/1, 4TH CROSS BDA LAND, APMC YARD YASHWANTHPUR BANGALORE - 560 022. ALSO AT T-2, 3RD

FLOOR, SAI GARDEN, 4TH CROSS, KHB MAIN ROAD, KAVAL
BYRASANDRA NEW EXTN, BANGALORE - 560 032. PETITIONER

Digitally signed (BY SRI SYED KHALEEL PASHA, ADVOCATE) by
ANUSHA V Location: High AND: Court of Karnataka VASANTH V PAI
S/O H VASUDEVA PAI AGED ABOUT 61 YEARS, PROPRIETOR OF
M/s. VASANTH V PAI BAMBOO BAZAAR, BUNDER MANGALORE -
574 142. RESPONDENT (BY SRI SIDDESHWARA, ADVOCATE FOR
SRI P. UDAYASHANKAR RAI, ADVOCATE) -2- THIS CRL.P IS FILED
U/S.482 CR.P.C PRAYING TO SET ASIDE THE ORDER DATED
21.12.2021 IN C.C.NO.138/2018 PASSED BY THE TRIAL COURT
JMFC IX COURT AT MANGALURU D.K., AND ALLOW THE
APPLICATION U/S.91 CR.P.C., FILED BY THE PETITIONER. THIS
PETITION IS COMING ON FOR ADMISSION, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging order dated 21.12.2021 passed by JMFC (IX Court), Mangaluru, in
CC no.138/2018 on application filed under Section 191 of Code of Criminal
Procedure, 1973 (Cr PC), this petition is filed.

2. Sri Syed Kaleem Pasha, learned counsel for petitioner submitted that on a
private complaint filed by respondent-complainant alleging offence under Section
138 of Negotiable Instruments Act, 1881 (NI Act), impugned proceedings in CC
no.138/2018 were initiated. In course of trial, respondent-complainant led evidence
during which complainant filed several applications under Section 91 of Cr PC.

Applications were allowed on 03.08.2019, 03.09.2019, 19.01.2021 and
26.03.2021. And in fact application allowed on 19.01.2021 was to permit
complainant to produce Certificate -3- under Section 65B of Indian Evidence Act,
1872 (Act). On

conclusion of evidence on complainant's side, in course of

defence evidence, when petitioner-accused sought to rely upon documents downloaded from Income Tax Authorities, an objection was raised by complainant about lack of Certificate under Section 65B of Act. And under impugned order, trial Court rejected application on said ground. Granting several opportunities to complainant to lead further evidence but rejection of application filed by accused would not be justified. And sought for allowing petition and alternatively, petitioner would file one more application for production of documents accompanied with necessary certificate and petitioner would be satisfied if a direction is issued to trial Court to consider said application, in accordance with law without being prejudiced by rejection of earlier application.

3. On other hand, Sri Siddeshwara, learned counsel for respondent-complainant opposed application/petition.

4. Heard learned counsel and perused impugned order

and material on record. -4-

5. Pendency of proceedings for offence punishable

under Section 138 of NI Act against petitioner herein and same having progressed to trial are not disputed. Petitioner is aggrieved by order passed on application filed by him under Section 91 of Cr PC. Said application was necessitated as documents namely, ledger account statement and tax invoices already produced were downloaded onto complainant's computer and printed and needed Certificate under Section 65B of Act.

6. Perusal of impugned order reveals only reason assigned for rejection was non-accompaniment with Certificate under Section 65B of Act.

7. In view of submission of learned counsel that a

fresh application would be filed for producing documents accompanied with certificate, it is found appropriate to secure ends of justice, to permit petitioner to

file one more application. It is ordered that rejection of application on technical ground would not come in way of petitioner-applicant filing fresh application by curing technical defect.

-5-

8. Accordingly, petition is disposed of reserving

liberty to petitioner-accused to file one more application curing technical defect. In case application is filed, trial Court would require to consider application without regard to rejection of earlier application under impugned order. It is further seen that proceedings have been stalled due to interim order granted in this petition affecting respondent-complainant. To expedite disposal, a condition is imposed that in case petitioner intends to file application, same shall be filed within a period of 3 weeks from today or next date of hearing, whichever is later.

Sd/- (RAVI V HOSMANI) JUDGE AV List No.: 1 SI No.: 49

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com