

Counsel for the complainant present
and filed application under section 302 of
Cr.P.C.

Heard.

For orders.

Order on application U/s.302 of Cr.P.C.

When the matter is posted for hearing on delay, the applicant/complainant has filed the present application Under Section 302 of Cr.P.C., seeking to permit the Chief Executive Officer of the complainant to represent the complainant and to adduce evidence and to proceed with the matter.

2. It is alleged that, the complaint was filed by the Manager of complainant society, but due to some inconvenience, he is not in a position to appear before this Court to lead evidence. Hence, the complainant society has authorized the Chief Executive Officer of the complainant society to appear before the Court to lead the evidence in this matter and to proceed with the matter through the board resolution dated 05-01-2024 and the said person of the complainant society has sufficient knowledge about the present matter. If the application is allowed no hardship will be caused to the accused and on other hand, the complainant will be put to hardship, loss and jeopardize. Hence, prays to allow the application.

3. Heard.

4. The point that arose for consideration is:

“Whether the complainant/applicant has made out sufficient ground to allow the application?”

5. My answer to the above point is in the negative for the following:

REASONS

6. **Point No.1** : The complainant has filed the complaint U/sec. 200 of Cr.P.C. on the ground that, the cheque of Rs.1,31,429/- given by the accused has been returned back by the bank on the ground of "Funds Insufficient".

7. When the matter is posted for hearing on delay, the applicant/complainant has filed the present application Under Section 302 of Cr.P.C., seeking to permit the Chief Executive Officer of the complainant to represent the complainant and to adduce evidence and to proceed with the matter.

8. The counsel for complainant/applicant contended that, the complaint was filed by the Manager of complainant society, but due to some inconvenience, he is not in a position to appear before this Court to lead evidence. Hence, the complainant society has authorized the Chief Executive Officer of the complainant society to appear before the Court to lead the evidence in this matter and to proceed with the matter through the board resolution dated 05-01-2024 and the said person of the complainant society has sufficient knowledge about the present matter. If the application is allowed no hardship will be caused to the accused and on other hand, the complainant will be put to hardship, loss and jeopardize.

9. It is the contention of the applicant that, the complainant has authorized the Manager of complainant to represent the complainant society to proceed with the matter and now the Manager is not in a position to appear before this Court to lead evidence, as such, the complainant has passed board resolution and authorized its Chief Executive Officer to represent the complainant society and to proceed with the matter on its behalf. Further, it is alleged that, the said Chief Executive Officer is having sufficient knowledge of the complainant society and with respect to present matter. In this matter the said Chief Executive Officer

is authorized by the complainant and he has sufficient knowledge and the same would be sufficient to proceed with the matter and accordingly, the applicant has shown sufficient cause to allow the present application. Hence, the point No.1 is answered in the Affirmative.

10. **Point No.2:-** In view of my findings on above points, I proceed to pass the following order:

ORDER

The application filed by the applicant/complainant
Under Section 302 of Cr.P.C., is hereby allowed.

The Chief Executive Officer of complainant
society is permitted to represent the complainant
society and to adduce evidence and to proceed with
the matter.

To hear.

Issue notice to accused.

Call on : 24-06-2024.

Addl. Civil Judge & J.M.F.C., Udupi.
(Itinerating at Brahmavara)