Reserved on : 07.01.2025
Pronounced on : 07.03.2025

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 07TH DAY OF MARCH, 2025

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

CRIMINAL PETITION No.12045 OF 2024

BETWEEN:

SRI J.RAMESH
S/O LATE GOPALACHAR
AGED ABOUT 58 YEARS,
RESIDING AT NO.1773,
15TH MAIN ROAD,
BANASHANKARI 2ND STAGE,
BENGALURU – 560 070

... PETITIONER

(BY SRI B.SIDDESHWARA, ADVOCATE)

AND:

M/S.LAKSHMI PRECIOUS JEWELLERY PVT. LTD.,
NO.1/18, 11TH MAIN , 4TH BLOCK,
JAYANAGAR,
BENGALURU – 560 011
REPRESENTED BY ITS
MANAGING DIRECTOR
SRI B.RAJAGOPAL NAIDU.

... RESPONDENT

(BY SRI SANDESH J COUTA, SR. COUNSEL FOR

SRI HANUMANTHAPPA A., ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO CALL FOR RECORDS IN CRL.A.NO.149/2024 PENDING ON THE FILE OF THE HON'BLE LIX ADDL. CITY CIVIL & SESSIONS JUDGE AT BENGALURU; QUASH / SET ASIDE THE ORDER DATED 20/09/2024 PASSED BY THE LEARNED LIX ADDL. CITY CIVIL AND SESSIONS JUDGE AT BENGALURU IN CRL.A NO. 149/2024 AND ALLOW THE APPLICATION UNDER SECTION 391(1) OF CODE OF CRIMINAL PROCEDURE FILED BY THE PETITIONER.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 07.01.2025, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **THE HON'BLE MR JUSTICE M.NAGAPRASANNA**

CAV ORDER

The petitioner is before this Court calling in question an order dated 20-09-2024, by which the concerned Court rejects the application filed by the petitioner under Section 391(1) of the Cr.P.C.

2. Heard Sri B Siddeshwara, learned counsel appearing for the petitioner and Sri Sandesh J Chouta, learned senior counsel appearing for the respondent.

3. Facts in brief, germane, are as follows:

The petitioner and the respondent-Company allegedly have a transaction. In furtherance of the said transaction, the petitioner is said to have issued certain cheques to the respondent. The cheques having been dishonoured leads the respondent before the concerned Court initiating proceedings for offence punishable under Section 138 of the Negotiable Instruments Act, 1881 ('Act' for short). The concerned Court convicts the petitioner for the offence under Section 138 of the Act in terms of its judgment dated 29-12-2023. The petitioner then files an appeal before the Court of Sessions in Crl.A.No.149 of 2024. The issue in the *lis* does not pertain to the challenge to the judgment that convicted the petitioner or the pendency of the merit of the appeal. What is brought before this Court is an order passed by the Sessions Judge on an application.

4. The petitioner prefers an application invoking Section 391(1) of the Cr.P.C. calling for certain documents, which according to him are vital and material to prove his innocence. The

concerned Court rejects the said application in terms of the order impugned on the ground that, the petitioner had before the concerned Court filed an application under Section 91 of the Cr.P.C. seeking the very same prayer, this is rejected by the concerned Court and the rejection has become final. The petitioner gets convicted of the offence under the Act. The second attempt now made by the petitioner for the same reason seeking the same documents that was rejected earlier was not maintainable. It is this order that has driven the petitioner to this Court in the subject petition.

5. The learned counsel appearing for the petitioner contends that Section 391 of the Cr.P.C. empowers the concerned Court to summon documents or consider additional evidence at any stage. Therefore, it is his case that the opportunity he lost before the trial Court should be permitted in the Court of Sessions. He would admit that the order passed on the application under Section 91 of the Cr.P.C. before the trial Court has become final.

6. Per-contra, the learned senior counsel Sri Sandesh J Chouta representing the respondent would vehemently refute the submissions to contend that the power under Section 391 of the Cr.P.C. is not absolute. It should be exercised only in exceptional cases. This case is not an exception. The petitioner is convicted of an offence. During the trial he has filed an identical application, the application comes to be rejected. The same application is repeated by changing the provision before the Sessions Court. He would, therefore, seek dismissal of the petition contending that the issue is 5 years old and the only intention of the petitioner is to drag the proceedings. He would seek dismissal of the petition.

7. I have given my anxious consideration to the submissions made by the learned counsel for the respective parties and have perused the material on record.

8. The afore-narrated facts of the transaction between the two is not in dispute. The petitioner gets convicted of the offence under the Act is a matter of record. During the trial, the petitioner had preferred an application under Section 91 of the Cr.P.C. The

said application comes to be rejected, by a detailed order dated 27-06-2023 by the learned Magistrate in C.C.No.17213 of 2019. The order reads as follows:

"…. …. ….

6.Upon hearing the arguments on both the sides, the following points arise for my consideration.

1. Whether the accused has made out sufficient grounds to allow the application filed under section 91 of Cr.P.C for calling of the documents as mentioned in the application?

2. What order?

7. My finding on the above points are as follows:

Point No 1: In the Negative
Point No.2: As per final order for the following:

REASONS

8. **POINT No.1**: The complainant has filed this case against the accused for an offence punishable under section 138 of N.I.Act. Now, the case is posted for defence evidence. In the meantime the learned counsel for the accused has filed this application seeking directed the complainant to produce the above mentioned documents. The learned counsel for the complainant has strongly objected the same.

9. In the instant case, the accused has contending that the complainant has filed false complaint against the accused by misusing alleged cheques. The complainant taking the undue advantage of the said cheques and now misusing the said cheques with an ulterior motive filled their own convenient and filed false case against the accused. The above mentioned documents are very much necessary to the

accused prove his case, but the complainant has denied for the production of the same. Hence, in order to prove his defence these documents is very necessary to the accused. The documents sought by the accused are the public documents and hence, the accused has every way to obtain the said document by way of filing application before the complainant company/concerned authorities. But without exhausting the available remedy he has directly approached before the court seeking directed the complainant to produce the aforesaid documents, which is not at all tenable in the eye of law and the court cannot act as per their whims and fancies. The party who approached to the court has to produce the documents and to prove their case on their own leg and cannot take shelter on the weakness of the other side. Further the complainant has filed this case for recovery of debt due by the accused to the complainant and the production of the documents mentioned above is not at all related to the instant case. Further, the accused can produce the documents, which is in his custody and to disprove the claim of the complainant. The accused always at liberty to prove his defence taken by him by producing the cogent documents in their custody

10. The accused has contended that he had not issued any cheques regarding repayment of amount and the complainant misused the cheques and filed false case against him. It is settled position of law that who approached the Court must prove their case by leading cogent evidence. In the objection the learned counsel for the complainant has specifically stated that it is the specific case of the complainant company that the complainant had filed a criminal case against the accused alleging offence committed under section 406, 420, 405, 415, 425 & 420 which was registered against the accused herein in Cr. No. 136/2017 by the Jayanagar Police Station. It is further contended that the accused herein in the aforesaid criminal case admitted his liability and entered into compromise/settlement and agreed to pay the complainant herein a sum of Rs.1,00,00,000/- and in discharge of the aforesaid liability issued the cheques which are the subject matter of the present case. Further contended that pursuant to the dishonoring /bouncing of the cheque the complainant company had issued a notice dated: 12.03.2019 to the accused which is duly served on the

accused on 13.03.2023 After the receipt of the aforesaid notice the accused has not replied to the said notice. Thus there is no specific defence set up by the accused in the present case. In the application the accused not stated and properly explained, what reasons this court directed the complainant to produce the documents. Therefore, only on the basis of application this court not directed the any persons/the complainant production of documents. Therefore, parties prove their case in leading evidence and documents. Hence, this Court is of the opines that the application filed by the counsel for accused is not maintainable. Thus in the above circumstances, this court is of the opines that the discretionary power of the Court Under Section 91 of Cr.P.C can not be invoked. On these grounds, the accused has failed to make out any grounds to allow the application. Accordingly, I answer the point No.1 in the Negative.

11. **POINT No.2** In view of my findings on Point No. 1, I proceed to pass the following:

:ORDER:

The application filed by the counsel for accused under section 91 of Cr.P.C is hereby rejected.

Facts and circumstances of the case there will be no order as to costs.

Hence, case is posted for further evidence."

The petitioner files an appeal against conviction in Crl.A.No.149 of 2024. In the said appeal, he files an application under Section 391 of the Cr.P.C. seeking the very same relief as was sought in 91 Cr.P.C. application. What was sought under Section 391 of the Cr.P.C. reads as follows:

"….. ….. …..

8. The appellant submits that, the respondent has not submitted the above mentioned documents.

   (a) Financial Statements including profit and loss account and balance sheet for finance year 2011-2012 and 2012-2013 onwards.

   (b) Axis Bank statements from FY 2011-12, 2012-13 onwards

   (c) Complainant's Company Vat returns from FY 2011-12, 2012-13 onwards

   The above mentioned documents are vital documents which ought to be produced by the respondent as each financial year sundry debtors and sundry creditors details will be mentioned in their Balance sheet which is mandatory. The respondent not showing any debt of the appellant clearly establishes that the appellant is not liable to pay any amount to the respondent and the cheques which were given as security was been mis-used.

9. The appellants submits that, the appellants filed application under section 91 Crpc in trial court on 03.04.2023 which was rejected on 27.06.2023.

10. The appellant submits that the evidence of the appellant, is very much required to prove his case, if the said evidence is not made then the case would lead to injustice, hence prays this Hon'ble Court to permits the Appellant to lead evidence. If this application is not allowed, the appellant will be put to great hardship, loss and injury. On the other hand, no hardship of any kind will be caused to the respondent."

The concerned Court rejects the application by the order impugned, which is based on cogent reasons.

. 9. The issue now would be, **whether the petition filed before this Court would become entertainable?**

10. I therefore deem it appropriate to notice the law with regard to answering an application under Section 391 of the Cr.P.C. when preferred before the Court of sessions. Section 391 of the Cr.P.C. reads as follows:

> "**391. Appellate Court may take further evidence or direct it to be taken**.—(1) In dealing with any appeal under this Chapter, the Appellate Court, if it thinks additional evidence to be necessary, shall record its reasons and may either take such evidence itself, or direct it to be taken by a Magistrate, or when the Appellate Court is a High Court, by a Court of Session or a Magistrate.
>
> (2) When the additional evidence is taken by the Court of Session or the Magistrate, it or he shall certify such evidence to the Appellate Court, and such Court shall thereupon proceed to dispose of the appeal.
>
> (3) The accused or his pleader shall have the right to be present when the additional evidence is taken.
>
> (4) The taking of evidence under this section shall be subject to the provisions of Chapter XXIII, as if it were an inquiry."

Section 391 permits the Sessions Court to permit additional evidence to be let in. Whether it is in a routine manner or in exceptional cases is what the Apex Court and other High Courts

have considered. The Apex Court in the case of **ZAHIRA HABIBULLA H. SHEIKH V. STATE OF GUJARAT**[1] has held as follows:

> **"21.** Section 391 of the Code **is intended to subserve the ends of justice by arriving at the truth and there is no question of filling of any lacuna in the case on hand.** The provision though a discretionary one is hedged with the condition about the requirement to record reasons. All these aspects have been lost sight of and the judgment, therefore, is indefensible. It was submitted that this is a fit case where the prayer for retrial as a sequel to acceptance of additional evidence should be directed. Though, retrial is not the only result flowing from acceptance of additional evidence, in view of the peculiar circumstances of the case, the proper course would be to direct acceptance of additional evidence and in the fitness of things also order for a retrial on the basis of the additional evidence.
>
> …….
>
> **47.** Section 391 of the Code is another salutary provision which clothes the courts with the power to effectively decide an appeal. Though Section 386 envisages the normal and ordinary manner and method of disposal of an appeal, yet it does not and cannot be said to exhaustively enumerate the modes by which alone the court can deal with an appeal. **Section 391 is one such exception to the ordinary rule and if the appellate court considers additional evidence to be necessary, the provisions in Section 386 and Section 391 have to be harmoniously considered to enable the appeal to be considered and disposed of also in the light of the additional evidence as well.** For this purpose it is open to the appellate court to call for further evidence before the appeal is disposed of. The appellate court can direct the taking up of further evidence in support of the prosecution; a fortiori it is open to the court to direct that the accused persons may also be given a chance of adducing further evidence. **Section 391 is in the nature of an exception to the general rule and the**

[1] **(2004) 4 SCC 158**

powers under it must also be exercised with great care, especially on behalf of the prosecution lest the admission of additional evidence for the prosecution operates in a manner prejudicial to the defence of the accused. The primary object of Section 391 is the prevention of a guilty man's escape through some careless or ignorant proceedings before a court or vindication of an innocent person wrongfully accused. **Where the court through some carelessness or ignorance has omitted to record the circumstances essential to elucidation of truth, the exercise of powers under Section 391 is desirable**.

……..

49. There is no restriction in the wording of Section 391 either as to the nature of the evidence or that it is to be taken for the prosecution only or that the provisions of the section are only to be invoked when formal proof for the prosecution is necessary. **If the appellate court thinks that it is necessary in the interest of justice to take additional evidence, it shall do so. There is nothing in the provision limiting it to cases where there has been merely some formal defect. The matter is one of discretion of the appellate court. As reiterated supra, the ends of justice are not satisfied only when the accused in a criminal case is acquitted.** The community acting through the State and the Public Prosecutor is also entitled to justice. The cause of the community deserves equal treatment at the hands of the court in the discharge of its judicial functions.

50. In *Rambhau* v. *State of Maharashtra* [(2001) 4 SCC 759 : 2001 SCC (Cri) 812] it was held that the object of Section 391 is not to fill in lacuna, but to subserve the ends of justice. The court has to keep these salutary principles in view. Though wide discretion is conferred on the court, the same has to be exercised judicially and the legislature had put the safety valve by requiring recording of reasons.

…….

58. Though it was emphasised with great vehemence by Mr Sushil Kumar and Mr K.T.S. Tulsi that the High Court dealt with the application under Section 391 of the Code in detail and not perfunctorily as contended by learned counsel for the appellants, we find that nowhere the High Court has effectively dealt with the application under Section 391 as a part of the exercise to deal with and dispose of the appeal. In fact the High

Court dealt with it practically in one paragraph i.e. para 36 of the judgment accepting the stand of learned counsel for the accused that the consideration of the appeal has to be limited to the records set up under Section 385(2) of the Code for disposal of the appeal under Section 386. This perception of the powers of the appellate court and misgivings as to the manner of disposal of an appeal per se vitiates the decision rendered by the High Court. Section 386 of the Code deals with the manner and disposal of the appeal in the normal or ordinary course. **Section 391 is in the nature of exception to Section 386. As was observed in *Rambhau case* [(2001) 4 SCC 759 : 2001 SCC (Cri) 812] if the stand of learned counsel for the accused as was accepted by the High Court is maintained, it would mean that Section 391 of the Code would be a dead letter in the statute book. The necessity for additional evidence arises when the court feels that some evidence which ought to have been before it is not there or that some evidence has been left out or erroneously brought in. In all cases it cannot be laid down as a rule of universal application that the court has to first find out whether the evidence already on record is sufficient. The nature and quality of the evidence on record is also relevant. If the evidence already on record is shown or found to be tainted, tailored to suit or help a particular party or side and the real truth has not and could not have been spoken or brought forth during trial, it would constitute merely an exercise in futility, if it considered first whether the evidence already on record is sufficient to dispose of the appeals. Disposal of appeal does not mean disposal for statistical purposes but effective and real disposal to achieve the object of any trial. The exercise has to be taken up together. It is not that the Court has to be satisfied that the additional evidence would be necessary for rendering a verdict different from what was rendered by the trial court. In a given case even after assessing the additional evidence, the High Court can maintain the verdict of the trial court and similarly the High Court on consideration of the additional evidence can upset the trial court's verdict. It all depends upon the relevance and acceptability of the additional evidence and its qualitative worth in deciding the guilt or innocence of the accused.**

……..

73. So far as non-examination of some injured relatives is concerned, the High Court has held that in the absence of any medical report, it appears that they were not present and, therefore, held that the prosecutor might have decided not to examine Yasminbanu because there was no injury. This is nothing but a wishful conclusion based on presumption. It is true that merely because the affidavit has been filed stating that the witnesses were threatened, as a matter of routine, additional evidence should not be permitted. But when the circumstances as in this case clearly indicate that there is some truth or prima facie substance in the grievance made, having regard to the background of events as happened, the appropriate course for the courts would be to admit additional evidence for final adjudication so that the acceptability or otherwise of evidence tendered by way of additional evidence can be tested properly and legally tested in the context of probative value of the two versions. There cannot be a straitjacket formula or rule of universal application when alone it can be done and when, not. **As the provisions under Section 391 of the Code are by way of an exception, the court has to carefully consider the need for and desirability to accept additional evidence. We do not think it necessary to highlight all the infirmities in the judgment of the High Court or the approach of the trial court lest nothing credible or worth mentioning would remain in the process. This appears to be a case where the truth has become a casualty in the trial. We are satisfied that it is a fit and proper case, in the background of the nature of additional evidence sought to be adduced and the perfunctory manner of trial conducted on the basis of tainted investigation a retrial is a must and essentially called for in order to save and preserve the justice-delivery system unsullied and unscathed by vested interests.** We should not be understood to have held that whenever additional evidence is accepted, retrial is a necessary corollary. The case on hand is without parallel and comparison to any of the cases where even such grievances were sought to be made. It stands on its own as an exemplary one, special of its kind, necessary to prevent its recurrence. It is normally for the appellate court to decide whether the adjudication itself by

> taking into account the additional evidence would be proper or it would be appropriate to direct a fresh trial, though, on the facts of this case, the direction for retrial becomes inevitable.
>
> (Emphasis supplied)

The Apex Court, subsequently, in the case of **AJITSINH CHEHUJI RATHOD V. STATE OF GUJARAT**[2] has held as follows:

> **8.** At the outset, we may note that the law is well-settled by a catena of judgments rendered by this Court that **power to record additional evidence under Section 391CrPC should only be exercised when the party making such request was prevented from presenting the evidence in the trial despite due diligence being exercised or that the facts giving rise to such prayer came to light at a later stage during pendency of the appeal and that non-recording of such evidence may lead to failure of justice.**
>
> (Emphasis supplied)

The High court of Madhya Pradesh in the case of **DHARMENDRA V. STATE OF M.P**[3]., has held as follows:

> **7.** These opening words clearly suggest that the application moved under section 391, Criminal Procedure Code should be considered by the Appellate Court while dealing with the criminal appeal and when it comes to the conclusion that this additional evidence is necessary, such application can only be dealt with after going through the entire record of the trial Court and after hearing both the parties. **Therefore, the wording of section 391, Criminal Procedure Code suggests that the application moved under this section**

[2] (2024)4 SCC 453
[3] 2006 SCC OnLine MP 26

should not be considered in isolation but should be considered after hearing the parties on merits. If after hearing parties on merits Court comes to the conclusion that the additional evidence is unnecessary then while deciding the appeal application moved under section 391 Code of Criminal Procedure can be dismissed. If such additional evidence appears necessary regarding decision of the matter and without which the appeal cannot be disposed of then such additional evidence may be taken on record either by the Appellate Judge himself or by the trial Court. The Appellate Judge may also remand back the matter to the trial Court for the purpose recording additional evidence as provided under sub-section (2) of the said section 391 therefore, the whole scheme of section 391 suggests that like civil cases an application for taking additional evidence on record under section 391 of the Code of Criminal Procedure should also be considering and disposed of after hearing the criminal appeal on merits and such application should not be disposed of in isolation without hearing the appeal on merits because if such application are disposed of without hearing the appeal on merits then there may be cases of failure of justice.

8. In sixth edition of Sarkar on Criminal Procedure at page 1048 it has been observed that an Appellate Court cannot decide, if additional evidence should be admitted, unless it has heard the appeal on merits. This opinion of the learned author is based on the case of *Varada Rajulu* Vol. 42 ILR Madras page 885 and appears to be correct view of the legal position."

(Emphasis supplied)

Further, the High Court of Madhya Pradesh, in the case of **PRAMOD GUPTA V. STATE OF M.P.**[4] has held as follows: ,

"5. From a reading of the aforesaid provision, it is evident that the opening words of sub-section (1) of section 391 clearly suggests that **the application moved under**

[4]**2013 SCC OnLine MP 2239**

section 391 of Criminal Procedure Code should be considered by the Appellate Court while dealing with the criminal appeal and when it comes to the conclusion that this additional evidence is necessary, such application can only be dealt with after going through the entire record of the trial Court and after hearing both the parties. Therefore, the provisions of section 391 of Criminal Procedure Code suggests that the application moved under this section should not be considered in isolation but should be considered after hearing the parties on merits, If after hearing parties on merits, the Court if comes to the conclusion that the additional evidence is unnecessary then while deciding the appeal, application moved under section 391, Criminal Procedure Code can be dismissed. If such additional evidence appears necessary for rendering decision of the matter and without which the appeal cannot be disposed of, then such additional evidence may be taken on record either by the Appellate Judge himself or by the trial Court. The Appellate Court may also remand back the matter to the trial Court for the purpose of recording additional evidence as provided under sub-section (2) of the said section 391 of Criminal Procedure Code, therefore, the whole scheme of section 391 of Criminal Procedure Code suggests that like civil cases an application for taking additional evidence on record under section 391 of Criminal Procedure Code should also be considered and disposed of after hearing the criminal appeal on merits and such application should not be disposed of in isolation without hearing the appeal on merits because if such applications are disposed of without hearing the appeal on merits, then there may be cases of failure of justice. (*Dharmendra s/o Chandan Singh* v. *State of M.P.*, 2006 (1) MPLJ 436 referred to)."

(Emphasis supplied)

The High Court of Gujarat, in a recent judgment, in the case of **DILIPBHAI BHAGWANDAS ASWANI VS. STATE OF GUJARAT**[5], has held as follows:

> "33. **Needless to note here that the Section 391 of the Cr.P.C. is akin to Order 41 Rule 27 of the Code of Civil Procedure**, Order 41 Rule 27 deals as under :
>
> > "**27. Production of additional evidence in Appellate Court.—**
> > (1) The parties to an appeal shall not be entitled to produce additional evidence, whether oral or documentary, in the Appellate Court. But if —
> > (a) the Court from whose decree the appeal is preferred has refused to admit evidence which ought to have been admitted, or
> > [(aa) the party seeking to produce additional evidence, establishes that notwithstanding the exercise of due diligence, such evidence was not within his knowledge or could not, after the exercise of due diligence, be produced by him at the time when the decree appealed against was passed, or]
> > (b) the Appellate Court requires any document to be produced or any witness to be examined to enable it to pronounce judgment, or for any other substantial cause, the Appellate Court may allow such evidence or document to be produced, or witness to be examined.
> >
> > (2) Wherever additional evidence is allowed to be produced by an Appellate Court, the Court shall record the reason for its admission".
> >
> > …..
>
> 36. It has been observed that there are no fetters on the power under Section 391 of the Cr.P.C. of the Appellate Court and such powers are conferred on the Court to secure ends of justice, where the ultimately object of judicial administration is to

[5] **Criminal Revision Application No. 455/2022 disposed on 13-08-2024**

> secure ends of justice. **However, on the observation, it has been considered that such exercise of power should be with the caution that it should neither cause any prejudice to the accused nor such a power could be exercised as in the form of retrial or to change the nature of the case against the accused. The complainant had opportunity before the trial Court, failed to avail it, and further the additional evidence which was sought to be produced was well within the knowledge of complainant during trial at the Court of first instant. Even if the Appellate Court may need such documents for just decision of case to secure ends of justice, any document which prejudices the right of accused who had been acquitted by trial Court should not be accepted nor the power can be exercised to change the nature of case or which may lead to retrial."**
>
> (Emphasis supplied)

On a coalesce judgments rendered by the Apex Court and that of other High Courts what would unmistakably emerge is, that power to record additional evidence under Section 391 of the Cr.P.C. should only be exercised when the party making such request was prevented from presenting the said evidence in the trial, despite due diligence. In the case at hand, the petitioner makes an attempt to get those documents, it is rejected, the rejection has become final. The same relief is now sought in the appellate stage.

11. This Court, cannot but infer that it is only a ruse to drag the proceedings further. Though the concerned Court has the

power to secure additional evidence under Section 391 of the Cr.P.C., it is as observed by the Apex Court and other Courts, to be exercised in rare and exceptional cases. Therefore, such rare or exception case is not the one that is projected by the petitioner.

12. In the light of the aforesaid circumstances, finding no merit to interfere with the well reasoned order of the concerned Court, the petition being devoid of merit, stands ***rejected.*** Interim order of any kind operating shall stand dissolved.

Consequently, I.A.No.2 of 2024 also stands disposed.

Sd/-

JUSTICE M.NAGAPRASANNA

Bkp
CT:MJ