

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 380 OF 2025
WITH
INTERIM APPLICATION NO. 3679 OF 2025

Visnu Dattu Khule ... Applicant

V/s.

State of Maharashtra

Through Public Prosecutor ... Respondents

Adv. Onkar Ghatage a/w Rushikesh More i/b Vinay Kadam, for the applicant.

Mr. Shrikant yadav, APP for the respondent – State.

Adv. D. Patil, for the respondent no. 2.

CORAM : RAJESH S. PATIL, J.

DATE : 21 AUGUST 2026

P. C. :

1. The present Criminal Revision Application has been filed by the original accused in the proceedings under Section 138 of the Negotiable Instruments Act, 1881 challenging the order of conviction passed by the Trial Court and the Appellate Court.

2. It is the case of the respondent-bank that they had given a loan of Rs.50,00,000/- in the year 2013 to the accused and there was an outstanding amount. The accused issued a cheque of Rs. 12,00,000/-. The said cheque, on being presented to the bank, was dishonored. Hence, a notice under Section 138 of the NI Act was

issued demanding the amount of the cheque. That notice was duly served. However, as the accused failed to pay the amount demanded, a complaint under Section 138 of the NI Act was filed. In the said complaint, the bank examined their officer as its witness. The accused did not step into the witness box.

3. Considering the evidence on record and the documents, the Trial Court convicted the accused for offense punishable under Section 138 of the NI Act and sentenced him to suffer simple imprisonment for one year and to pay fine of Rs.5,000/-, in default of payment of fine, to suffer simple imprisonment of three months. The accused was also directed to pay compensation of Rs. 24 lakhs to the complainant vide Section 357(3) of the Cr.PC.

4. The said order passed by the Trial Court was challenged before the Sessions Judge by the accused. The Sessions Court, after hearing the parties, dismissed the appeal. Thereafter, the present Criminal Revision Application has been filed by the accused challenging the order passed by the Trial Court and the Appellate Court.

5. After going through the evidence led before the Trial Court, I find it reliable and trustworthy and there is no reason to disbelieve the said evidence. The subject cheque is on record, which has been dishonored for the reason “insufficient fund”. The said cheque has been duly signed by the present applicant. Thereafter, a statutory

notice under Section 138 of NI Act has been issued by the bank. The Registry A.D. card has been duly received by the applicant, along with the signature of the applicant, showing therein receipt of the notice and the same is on record.

6. Considering the evidence on record, the Trial Court and the Appellate Court have held against the applicant- complainant. I do not find any perversity in the impugned order passed by the Trial Court and the Appellate Court. Hence, the Criminal Revision Application **stands rejected**.

7. In sequel, the interim application, if any, also **stands rejected**.

[RAJESH S. PATIL, J.]