



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL APPEAL NO. 57 OF 2018 (C)

BETWEEN:

B.A. MACHAIAH
S/O LATE APPAIAH,
AGED 73 YEARS,
ADVOCATE,
R/O PARANE VILLAGE,
MADIKERI,
KODAGU DISTRICT-571 201.

...APPELLANT

(BY SMT. DIVYA P.B., ADVOCATE)

AND:

THE STATE OF KARNATAKA
REPRESENTED BY
DEPUTY SUPERINTENDENT OF POLICE,
CID, BANGALORE,
(REPRESENTED BY LEARNED SPP)

...RESPONDENT

(BY SMT. RASHMI PATEL, HCGP (P/H))

THIS CRL.A. IS FILED U/S.374(2) CR.P.C PRAYING TO
SET ASIDE THE JUDGMENT OF CONVICTION AND SENTENCE
FOR THE OFFENCE PUNISHABLE UNDER SECTION 258 R/W 34
OF I.P.C. AND 259 R/W 34 OF I.P.C. AND SECTION 420 OF
I.P.C. AS AGAINST ACCUSED NO.2 ON THE FILE OF COURT OF



I ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADIKERI,
KODAGU JUDGMENT DATED 26/12/2017 AND SENTENCE
PASSED ON 26/12/2017 IN CASE NO.S.C.47/99 BY ALLOWING
THE APPEAL.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ)

In this case, the sole appellant/accused No. 2 is no
more.

2. The learned counsel for appellant has filed a
memo stating that the appellant Sri B.A.Machaiah has
expired on 23.10.2024 and therefore, the cause of action
does not survive for further prosecution of the appeal. In
memo, the learned counsel for appellant has sought to
dispose of the appeal as abated in view of the death of the
appellant. Copy of the death certificate of the appellant is
enclosed along with the memo.



3. The memo and the death certificate is taken on record.

4. This appeal is preferred against the judgment and order dated 26.12.2017 passed by the Court of the I Additional District and Sessions Judge, Kodagu at Madikeri in Sessions Case No.47/1999. Vide impugned judgment, the appellant/accused No.2 has been convicted for the offences punishable under Section 258, 259 and 420 of IPC and acquitted of the offences punishable under Section 255, 256 r/w 34 of IPC and Section 467, 468, 472 and 506 (2) of IPC.

5. Insofar as acquittal of the accused, the State had preferred Crl.A.No.1208/2018. The said appeal was dismissed as abated vide judgment dated 16.03.2026.

6. The trial Court while sentencing the appellant/accused No.2 has also imposed fine.

7. It is the case of the prosecution that accused No.1 was a resident of Tirunaveli, Tamil Nadu. He



prepared the moulds for manufacturing counterfeit stamp papers and selling the counterfeit stamp papers. Accused No.2 i.e. the appellant herein is a practicing Advocate in Madikeri. Since 1995, accused No.1 sold the counterfeit judicial stamps and non judicial stamp papers through accused No.2, who was the Secretary of Madikeri Legal Practitioners Co-operative Society. He sold the counterfeit stamp papers of Rs.5,000/- and Rs.1,000/- denominations through CW2 and CW4, the employees of the said Society and collected money through them. According to prosecution, the total face value of the stamp papers sold by accused Nos.1 and 2 in this manner was Rs.28,00,000/-. Hence they both cheated the Government as well as the purchasers of the stamp papers.

8. The fact that accused No.2 was the Secretary of the Legal Practitioners' Cooperative Society Madikeri from 1986 to 1997 is not in dispute. As per the opinion of the experts, Rs.5,000/- denomination stamp papers, which are exhibited as material objects in this case are all counterfeit



stamp papers. They contain the signature of accused No.2 above the seal of the President of the Society, behind all such stamp papers. The stamp papers were sold to the Society. Accused No.2 being the Secretary was in charge of the day-to-day administration of the Society. PWs.11 to 122 are the purchasers of the stamp papers from the Society, which also include the counterfeit stamp papers of Rs.5,000/- denomination.

9. The learned Sessions Judge while appreciating the evidence of the prosecution witnesses, observed that the above witnesses have deposed that they have personally purchased stamp papers for the purpose of preparing the sale deeds. Further, PW22, PW25, PW46, PW65, PW91 and PW120 have specifically deposed that accused No.2 himself issued the stamp papers through the person in the counter and some of them have also stated that accused No.2 was affixing the seals and handing over the same to PW2 or PW4 for issuing the stamp papers. The sale deeds executed on the stamp papers purchased from



the Society are exhibited as MOs.23 to 136 and 158 to 220, which contain the stamp papers of different denominations including the counterfeit stamp papers of Rs.5,000/- denomination.

10. The trial Court on an overall appreciation of the evidence and material on record came to the conclusion that the material on record only points out towards the involvement of accused No.2 in procuring and selling counterfeit stamp papers of Rs.5,000/- denomination in the Society, through PWs.2 and 4 and there is nothing on record to even remotely connect PW2, PW4 and PW6 with the alleged offences. Hence, held that the prosecution has established the charges framed against accused No.2, for the offences punishable under Section 258, 259 and 420 of IPC beyond all reasonable doubt.

11. In the memo filed by the learned counsel for appellant, she has sought to dispose of the appeal as abated in view of the death of the appellant. Having perused the trial Court records and impugned judgment,



we are of the opinion that the fine imposed by the trial Court for the offences for which the appellant/accused No.2 is convicted is in accordance with law. Hence, the appeal is ***dismissed***.

12. The trial court records reveal that the split-up case against accused No.1 is pending. The learned Sessions Judge while passing the order of sentence against the appellant/accused No.2 has made an observation that the split-up case is not committed for trial to the Sessions Court and the orders regarding disposal of the material objects shall be made at the time of disposal of the said case.

13. In Crl.A.No.1208/2018 preferred by the State, one Smt.Jayasheela Gangadharan, W/o T.V.Gangadharan, PW108 preferred an application for release/return of the original release deed dated 19.11.1996 marked as MO.122. Since the split-up case against accused No.1 is pending and in view of the observations made by the trial Court that the orders regarding disposal of material



objects shall be made at the time of disposal of the said case, the said applicant Smt.Jayasheela Gangadharan, W/o T.V.Gangadharan can file necessary application before the trial Court in the split-up case. If any such application is filed, the trial Court shall dispose of the same, without being influenced by the observations made in this order.

It is made clear, we have not expressed any view in respect of accused No.1.

Registry is directed to send back the records to the trial Court.

**Sd/-
(MOHAMMAD NAWAZ)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**