



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 1290 OF 2019

BETWEEN:

M/S. HIKAL LIMITED
NO.82/A, KIADB INDUSTRIAL AREA,
JIGANI, ANEKAL TALUK,
BENGALURU - 560 105,
REPRESENTED BY ITS AUTHORISED PERSON
SRI. P. RADHAKRISHNAN.

...PETITIONER

(BY SRI. SAI KIRAN, ADVOCATE)

AND:

1. M/S. RAFFA TRADING COMPANY
PLOT NO.18, DOOR NO.3-95J,
ROAD NO.2, NEAR BETHAL CHURCH,
SAI NAGAR COLONY,
NAGOLE, RANGAREDDY DISTRICT - 500 035
REPRESENTED BY ITS AUTHORISED PERSON
SRI. C.H. PRADEP KUMAR.
2. SRI. C.H. PRADEEP KUMAR
MAJOR IN AGE
FATHERS NAME NOT
KNOWN TO COMPLAINANT
PLOT NO.18, DOOR NO.3-95J,
ROAD NO.2, NEAR BETHAL CHURCH
SAI NAGAR COLONY, NAGOLE,



RANGA REDDY DISTRICT - 500 035.

...RESPONDENTS

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO SET ASIDE THE FINAL ORDER ATED 28.02.2018 PASSED BY XXIV ADDITIONAL SMALL CAUSES JUDGE AND XXII ADDL.C.M.M., BENGALURU IN C.C.NO.16450/2016 WHICH IS PART OF ANNEXURE-A (ENTIRE ORDER SHEET) AND BE PLEASED TO RESTORE THE PROCEEDINGS IN C.C.NO.16450/2016 AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging order dated 31.07.2017 passed by XLII ACMM, Bengaluru, in C.C.no.16450/2016 at Annexure-A; order dated 30.12.2017 passed by LXVIII Additional City Civil and Sessions Judge, Bengaluru City in CrI.R.P.no.843/2017 as well as order dated 28.02.2018 passed by XXIV Additional Small Causes Judge and XXII ACMM, Bengaluru, in C.C.no.16450/2016 at Annexure-A dismissing proceedings for non-prosecution, this petition is filed.



2. Sri R.Sai Kiran, learned counsel for petitioner has filed a Memo stating that prayers no.iii, iv and v in petition are not pressed and only order dated 28.02.2018 dismissing petition for default would be challenged.

3. It was submitted that petitioner herein was complainant in P.C.R.no.5253/2016, against respondents for offence punishable under Section 138 of Negotiable Instruments Act, 1881 (**NI Act**), later same was registered as C.C.no.16450/2016 on file of XLII ACMM, Bengaluru. It was submitted that respondents - accused were residents of Andhra Pradesh and evading summons, despite issuance of non-bailable warrant. It was submitted that on noticing that accused were operating account in Kotak Mahindra Bank, an application under Section 91 of Cr.P.C. was filed for a direction to Manager of Kotak Mahindra Bank Saroornagar Branch, Hyderabad for furnishing their address, phone number and e-mail. But application was rejected. Even Revision against order of rejection was dismissed.

4. In meanwhile, proceedings came to be transferred to another Court. On account of non-appearance and without



providing opportunity, transferee Court dismissed petition for non-prosecution. It was submitted, observation by trial Court that matter was not being pursued by petitioner would be uncharitable as complainant had, in fact, filed Revision Petition against order of rejection of application under Section 91 of Cr.P.C. and pursuing same. Further, non-appearance on 28.02.2018 was not intentional and therefore, seeks for allowing petition.

5. It is seen that at stage of passing of order impugned, summons was not served on respondent - accused and even in these proceedings also petition is not progressing for want of service of summons.

6. Learned counsel submits that he would take appropriate steps before trial Court and seeks for restoration of proceedings. It is submitted that since respondents - accused were not served before trial Court, notice to them may be dispensed with.

7. Heard learned counsel and perused impugned order.



8. Considering submission and as accused were not served with summons before trial Court and this Petition is confined to determining validity of order of 28.02.2018 dismissing proceedings for non-prosecution, notice to respondent dispensed with.

9. Perusal of order sheet in C.C.no.16450/2016 would indicate that as per Notification no.ADM/1/19/2017, proceedings came to be transferred to XXIV Additional Small Causes Judge and XXII ACMM (SCCH-26), Bengaluru. Thereafter same was listed before said Court on 30.01.2018 and ordered to be re-listed on 28.02.2018. On said date, taking note of absence of complainant and counsel and without providing any opportunity, petition is dismissed for non-prosecution by observing that there was no progress and referring to decision in ***Indian Bank Association and others vs. Union of India and Another*** reported in ***AIR 2014 SC 2528***, whereunder proceedings were required to be concluded expeditiously.



10. Same would not be justified as complainant had, in fact, filed application and was pursuing his remedies before Revisional Court.

11. In view of above, dismissal of proceedings for non-prosecution would not be justified. In order to secure ends of justice, order dated 28.02.2018 is set aside in exercise of inherent powers. Petition is **allowed**. Proceedings in C.C.no.16450/2016 on file of XXIV Additional Small Causes Judge and XXII ACMM, Bengaluru, stand restored. In order to expedite proceedings, petitioner is directed to appear before trial Court without fresh notice on **12.08.2026**. Proceedings shall stand restored to stage it was as on date of impugned order. After providing opportunity to petitioner to take steps, trial Court shall proceed in accordance with law.

Sd/-
(RAVI V HOSMANI)
JUDGE