



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 11TH DAY OF JUNE, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAVI V HOSMANI
CRIMINAL PETITION NO.1593 OF 2022

BETWEEN:

SANTHOSH
S/O SOMASHEKAR
AGED ABOUT 30 YEARS
OCC: AGRICULTURIST
R/O G.SHANKARANAHALI VILLAGE
AND POST, KASABA HOBLI,
ARASIKERE TALUK
HASSAN DISTRICT - 573 103.

...PETITIONER

(BY SRI UMESH P.B., ADVOCATE FOR
SRI R B DESHPANDE, ADVOCATE)

AND:

THE STATE OF KARNATAKA BY
TARIKERE POLICE STATION
CHIKKAMAGALURU DISTRICT 577 228
(REP BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDINGS
BENGALURU 560 001.)

...RESPONDENT

(BY SRI M.R.PATIL, HCGP)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO SET
ASIDE THE CONDITION NO.2 i.e., THAT THE APPELLANT SHALL
DEPOSIT 50 PERCENT OF THE COMPENSATION AMOUNT OF
RS.20,00,000/- IN THE NAME OF THE COURT WITHIN ONE

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



MONTHS FROM THE DATE OF THIS ORDER IN ORDER DATED 25.01.2022 PASSED IN CRL.A.NO.24/2022 BY THE 1ST ADDITIONAL DISTRICT AND SESSIONS JUDGE, CHIKKAMAGALURU.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging order dated 25.01.2022 passed by I Additional District and Sessions Judge, Chikkamagaluru in Criminal Appeal no.24/2022 on application filed under Section 389 of Code of Criminal Procedure, 1973 ('**CrPC**'), this petition is filed.

2. Sri Umesh P.B., learned counsel appearing for Sri R.B. Deshpande, advocate for petitioner submitted that Crime no.176/2019 was registered by Tarikere Police against petitioner (accused) for offences punishable under Sections 381, 405, 409, 420, 463, 467, 468 and 474 of Indian Penal Code, 1860 ('**IPC**') alleging dishonest and misappropriation of funds of Rs.9,72,505/- kept in safe locker of SKS Micro Finance Company Limited (complainant) at Tarikere Town. After trial,



proceedings in CC no.324/2013 ended on 03.01.2022 in order of conviction for offences under Section 408 and 465 of IPC with direction to pay compensation of Rs.20,00,000/- to complainant. Aggrieved by judgment, accused filed Criminal Appeal no.24/2022 before District and Sessions Court, Chikkamagaluru along with an application under Section 389 of CrPC. On said application, learned District judge passed impugned order directing accused to deposit 50% of compensation amount within one month which was not only onerous but also without detailed reasons. It was submitted, this Court had granted an interim order of stay on 04.03.2022 and present proceedings were at stage of arguments and submitted accused would undertake to complete his arguments and cooperate for disposal of appeal within a period of 3 months. A copy of screenshot printout of case status is produced along with memo.

3. On other hand, Sri M.R. Patil, learned HCGP for respondent - State opposed petition by contending that power to impose condition under Section 389 of CrPC was vested with Appellate Court and taking note of fact that conviction was for



offence of misappropriation of funds of complainant which was likely to have cascading effect upon investors/depositors, Appellate Court had passed impugned order and same did not call for interference.

4. Heard learned counsel, perused impugned order and material on record.

5. Conviction of accused and filing of appeal against judgment of conviction is not in dispute. Petitioner is imposed with fine amount of Rs.20,00,000/- to be paid to victim complainant. Appellate Court directed petitioner to deposit 50% of compensation amount. But this Court has stayed said condition and matter has been pending before Appellate Court awaiting orders from this Court.

6. Though perusal of impugned order does indicate lack of specific reasons for imposition of a condition for deposit of 50% of compensation amount. Instead of examining matter on merits and since appeal is pending at stage of arguments, it would be appropriate for this Court to relegate accused to Appellate Court with a direction to Appellate Court to proceed



with main matter without insisting on condition and endeavour to dispose of appeal within period of 3 months.

7. In view of above, petition is ***allowed***, impugned order dated 25.01.2022 passed by I Additional District and Sessions Judge, Chikkamagaluru in Criminal Appeal no.24/2022 on application filed under Section 389 of CrPC is ***set-aside*** subject to undertaking of accused to cooperate for conclusion of appeal within period of 3 months from today.

Sd/-
(RAVI V HOSMANI)
JUDGE

GRD
List No.: 1 SI No.: 35