



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL REVISION PETITION NO.978 OF 2019
(397(Cr.PC) / 438(BNSS))

BETWEEN:

SMT RATHNAMMA
D/O MUNIYAPPA
PROPRIETOR N G LABOUR AGENCY
BAR OWNER
RESIDING AT NO.155,
THIPPENAHALLI, KASABA HOBLI
CHIKKABALLAPUR TALUK 562105

...PETITIONER

(BY SRI ARUN KUMAR.Y.H, ADVOCATE)

AND:

STATE OF KARNATAKA
MANCHENAHALLI POLICE
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU-560001

...RESPONDENT

(BY SMT.WAHEEDA.M.M, LEARNED HIGH COURT GOVERNMENT
PLEADER)

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Location:
HIGH
COURT OF
KARNATAKA

THIS CRIMINAL REVISION PETITION IS FILED UNDER
SECTION 397 R/W 401 CODE OF CRIMINAL PROCEDURE
PRAYING TO SET ASIDE THE JUDGMENT AND ORDER OF
CONVICTION AND ORDER REGARDING SENTENCE DATED
31.03.2018 PASSED IN C.C.No.729/2012 ON THE FILE OF THE
SENIOR CIVIL JUDGE AND JMFC AT GOWRIBIDANUR BY
CONVICTING THE PETITIONER FOR THE OFFENCE PUNISHABLE
UNDER SECTION 420 OF INDIAN PENAL CODE AND SET ASIDE



THE JUDGMENT PASSED ON 02.07.2019 IN CRL.A.NO.25/2018 ON THE FILE OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE AT CHIKKABALLAPURA AND ACQUIT THE PETITIONER FOR THE AFORESAID OFFENCE.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri Arun Kumar Y.H., learned counsel for the revision petitioner and Smt. Waheeda M.M., learned High Court Government Pleader for the respondent/State.

2. Accused who suffered an order of conviction dated 31.03.2018, on the file of Senior Civil Judge and JMFC., Gowribidanur, under Section 420 of Indian Penal Code in C.C.No.729/2012 and was confirmed in Criminal Appeal No. 25/2018, dated 02.07.2019, on the file of Principal District and Sessions Judge, Chikkaballapur is the revision Petitioner.

3. Facts in the nutshell which are utmost necessary for disposal of the present petition are as under:

3.1. Criminal prosecution was launched against the accused based on the complaint that in order to get the



outsourcing contract of preparation of the food in the department of Backward Classes and Minorities (BCM) department, Chikballapura, petitioner applied for the tender and towards the payment of the money, she had furnished a colour photocopy of the original demand draft in a sum of Rs.40,000/- which came to light at the time of encashment and after due trial she has been convicted for the offence punishable under Section 420 of Indian Penal Code.

4. Order of the conviction was upheld by the learned judge in the First Appellate Court by considered judgment dated 02.07.2019 in Crl.A.No.25/2018, inasmuch as seized document is the colour photocopy of the original demand draft. Therefore, the case of the prosecution predominantly got established based on the said document.

5. No explanation was forthcoming from the accused for production of such coloured photocopy of the demand draft.

6. Taking note of the same, order of conviction under Section 420 of Indian Penal Code was upheld by the learned judge in the First Appellate Court before this Court that counsel for the petitioner would submit that petitioner is unmarried and



has got old aged parents to look after and she is a first time offender and therefore sentence of imprisonment as ordered by the learned Trial Magistrate, confirmed by the First Appellate Court may be modified by directing the enhanced fine amount and thus sought for allowing the revision petition.

7. Per contra, Smt. Waheeda M.M., learned High Court Government Pleader opposes the submissions made on behalf of the petitioner and sought for dismissal of the revision petition in *toto*.

8. Having heard the arguments of both sides, This Court perused the material on record meticulously.

9. On such perusal of the material on record, it is noted that the coloured photocopy of the original demand draft was submitted by the petitioner for tender which was detected at the time of encashment and thereafter criminal prosecution was launched.

10. Therefore, the order of conviction recorded by the learned Trial Magistrate, confirmed by the First Appellate Court needs no interference that too in the limited powers of the revisional jurisdiction.



11. Having said so, this Court considered the alternate submission judiciously.

12. Since the petitioner is a first time offender and a lady, has got old aged parents, who are to be maintained by the very same petitioner as she is a spinster.

13. Further, the incident has occurred in the year 2011 and at this distance of time, if the petitioner is sent to the jail not only her life would be ruined, but also her old aged parents.

14. Taking note of these aspects of the matter if period of imprisonment ordered by the learned Trial Magistrate, confirmed by the First Appellate Court is modified by directing the petitioner to undergo simple imprisonment for the day till the raising of the Court and to pay enhanced fine amount of Rs.80,000/- on or before 31.05.2026 ends of justice would be met.

15. Accordingly, the following:

ORDER

- (i) Revision petition is ***allowed in part.***
- (ii) While maintaining the conviction of the petitioner for the offence punishable under Section 420 of



Indian Penal Code, sentence ordered by the learned Trial Magistrate, confirmed by the First Appellate Court is modified by directing the petitioner to undergo simple imprisonment for the day and to pay enhanced fine amount of Rs.80,000/- on or before 31.05.2026.

- (iii) Failure to pay the enhanced fine amount, petitioner shall undergo remaining portion of the sentence.
- (iv) Office directed to return the Trial Court records with copy of this order forthwith for issue of modified conviction warrant.

Sd/-
(V SRISHANANDA)
JUDGE