



CNR: KAHC010250842026

NC: 2026:KHC:39189
CRL.RP No. 586 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL REVISION PETITION NO. 586 OF 2026

BETWEEN:

1. KESHAVA
S/O NANJAPPA
AGED ABOUT 56 YEARS
R/O GOWRIKOPPALU
GULASINDA VILLAGE
KASABA HOBLI
CHANNARAYAPATNA TALUK
HASSAN DISTRICT- 01

...PETITIONER

(BY SRI. PRATHEEP K C,ADVOCATE)

AND:

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

1. MANJUNATHA C P
S/O PUTTASWAMY GOWDA
AGED ABOUT 36 YEARS
B CHOWDENAHALLI HOBLI,
DANDIGANAHALLI HOBLI,
CHANNARAYAPATNA TALUK
HASSAN DISTRICT-01

...RESPONDENT

(BY SRI. YASHWANTH M, ADVOCATE FOR
SRI. GIRISH B BALADARE,ADVOCATE)

THIS CRL.RP IS FILED U/S 438 R/W 442 BNSS PRAYING
TO ALLOW THE REVISION PETITION AND SET ASIDE THE



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JUDGMENTS DTD 08.01.2025 PASSED BY THE IV ADDL. DISTRICT AND SESSIONS JUDGE, HASSAN SITTING AT CHANNARAYAPATNA IN CRL.A.NO.81/2024 AND IN C.C.NO.206/2019 DTD 27.02.2024 PASSED BY PRL. CIVIL JUDGE AND JMFC AT CHANNARAYAPATNA AND ACQUIT THE PETITIONER FOR THE O/P/U/S 138 OF N.I ACT.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

This matter is listed for admission.

2. This matter is listed earlier twice and counsel for the revision petitioner took time to settle the matter and this Court given an opportunity to settle the matter and in the previous occasion also, the counsel made the submission that he could not contact the revision petitioner and once again this Court has granted time and today submitted that no settlement is arrived between the parties.

3. Heard the learned counsel for revision petitioner and also the counsel appearing for respondent.



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4. The factual matrix of the case of the complainant before the trial Court while invoking Section 138, of the Negotiable Instruments Act, 1881 (hereinafter referred to as 'N.I.Act' for short) that accused has approached the complainant for hand loan of Rs.2,80,000/- in order to discharge his hand loans and for his business purpose. Accordingly, the complainant lent loan of Rs.2,80,000/- on 18.09.2018 and the accused has issued the post dated cheque dated 03.01.2019 for Rs. 2,80,000/-. When the cheque was presented, the same was dishonored with an endorsement 'funds insufficient'. Thereafter, the complainant issued demand notice to the accused and the accused did not comply with the same. As such, the complainant files complaint against the accused for the offence punishable under Section 138 of N.I.Act. Thereafter, cognizance was taken and accused was secured and claims trial.



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5. In order to prove the case, the complainant is examined before the trial court as P.W.1 and got marked documents as Exs.P1 to P6. On the other hand, the accused also appeared and accused also examined himself as D.W.1 and not produced any documents. The only defence which was taken that the complainant is stranger and there was no any transaction between the complainant and the accused. However, he admits the issuance of subject matter of Cheque in favour of one Raju. The said Raju was not examined and during the course of cross examination, the accused categorically admits that he had given 3 cheques in favour of Raju and the said Raju has not filed any case against him and when such admission was taken note of by the trial Court comes to the conclusion that the defence which was taken by the accused is not acceptable. When he took the contention that there was no acquaintance between the complainant and accused, however, in the cross examination, he categorically admits that he had made a phone call to the



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complainant twice and the same is also discussed in paragraph No.21 of the judgment of the trial Court and comes to the conclusion that if there is no any acquaintance between the complainant and accused what made the accused to call the complainant and hence disbelieved the case of accused and convicted and sentenced him. The same is challenged before the appellate Court in CrI.A.No.81/2024 and the appellate Court also, having reassessed both oral and documentary evidence, particularly in paragraph No.11 taken note of with regard to presumption is concerned and in paragraph No.12 with regard to insufficiency of fund and also the dishonour of Cheque. Further, in paragraph No.18 also, taken note of the defence of D.W.1 and also the cross examination of the accused in paragraph No.19 and comes to the conclusion that the trial Court has not committed any error in appreciating the evidence.



6. The main contention of the counsel for the revision petitioner before this Court is that there was no any transaction between the complainant and the accused and complainant is a stranger and both the Courts failed to consider the same. Though admitted the issuance of cheque, but cheque was given in favour of one Raju.

7. Learned counsel appearing for respondent would submit that though such defence was taken and the same is not substantiated by rebutting the evidence of complainant under Section 139 of N.I.Act.

8. Having heard the counsel appearing for revision petitioner and also the counsel appearing for respondent, though it is contended that the complainant was stranger and admission on the part of D.W.1 that he had contacted the complainant twice and apart from that when the defence was taken that cheque was given to one Raju and the said Raju was not examined and it is a clear admission that the accused had given three cheques in favour of one



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Raju and Raju also not initiated any case against the accused based on three cheques. The defence is not substantiated as there was no transaction between them.

9. Under the circumstances, I do not find any grounds to entertain the revision petition and both the Courts have not committed any error in considering the case of complainant and the accused, except the oral evidence of D.W.1, no other material is placed before the Court to rebut the case of complainant. Hence, the judgment of the trial Court and the appellate Court not suffers from its legality and correctness and no miscarriage of justice. Accordingly, the revision petition is ***dismissed.***

Sd/-
(H.P.SANDESH)
JUDGE

SSD
List No.: 1 Sl No.: 45