



CNR: KAHC010290182026

NC: 2026:KHC:45594
CRL.RP No. 678 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL REVISION PETITION NO. 678 OF 2026

(397(CR.PC) / 438(BNSS))

BETWEEN:

1. SMT SHAMALA N C
AGED ABOUT 51 YEARS
W/O H.S. SHANKARAI AH
N.G. HULKURU VILLAGE AND POST
KYSAMBALLI HOBLI, K.G.F. TALUK
KOLAR DISTRICT- 563 122

...PETITIONER

(BY SRI. JAGADEESHA K J., ADVOCATE)

AND:

1. SRI RAGHUPATHI
AGED ABOUT 54 YEARS
S/O S. RAMAPPA, KODIGEHALI VILLAGE
KYSAMBALLI HOBLI, K.G.F. TALUK
KOLAR DISTRICT- 563 122

...RESPONDENT

(BY SRI. YASEEN SALEHA., ADVOCATE)

THIS CRL.RP IS FILED U/S 397 R/W 401 CR.P.C (U/S 438 R/W 442 BNSS) PRAYING TO SET ASIDE THE JUDGMENT AND CONVICTION OF SENTENCE DATED: 30.10.2025 PASSED IN CRL.A.NO.21/2025 ON THE FILE OF III ADDL. DISTRICT AND SESSIONS JUDGE, KOLAR (SITTING AT K.G.F.) BY CONFIRMING THE JUDGMENT AND CONVICTION OF SENTENCE DTD:07.02.2025 PASSED IN CC.NO.1220/2022 ON THE FILE OF THE ADDL. SENIOR CIVIL JUDGE AND JMFC, AT K.G.F. BY

Digitally signed
by
NAGARATHNA
M
Location: High
Court of
Karnataka





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ALLOWING THIS CRL.RP AND ORDER FOR ACQUITTAL OF THE PETITIONER, FOR THE OFFENCE 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 VENKATESH NAIK T

ORAL ORDER

This petition is filed under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023, challenging the concurrent findings of the Trial Court and the First Appellate Court.

2. Learned counsel for the petitioner and learned counsel for the respondent submit that the matter is amicably settled between the parties and joint memo has been filed by the petitioner and the respondent. The parties are present before the Court today and are duly identified by the learned counsel appearing on their behalf. The contents of the Joint Memo reads as follows:

JOINT MEMO

The Petitioner and Respondent herein jointly submit as under:

1. The Petitioner filed the above Criminal Revision Petition by questioning the Judgement and Conviction of sentence passed in C.C.1220/2022, confirmed in Crl.Ap.21/2025 for the amount of Rs.18,70,000/-. Now the Petitioner and



CNR: KAHC010290182026

Respondent have amicably solved the dispute in between them for of Rs. 14,00,000/- and the said amount was already received by the Respondent. Further, the Petitioner/accused had deposited the amount of Rs. 1,85,000/- vide receipt dated 27/06/2025 before the appellate Court in Criminal Appeal 21/2025 on the file of Principal District and Sessions Judge at Kolar (Sitting at K.G.F.) Further, this Hon'ble Court vide order dated 08/06/2026 had directed the Petitioner to deposit the 40% amount out of Decretal amount of Rs. 18,70,000/- As per the directions of this Hon'ble Court, the Petitioner/accused had deposited Rs.7,45,000/- before the Court of Principal Senior Civil Judge and JMFC K.G.F. in C.C.1220/2022. In view of settlement arrived in between Petitioner and Respondent for of Rs.14,00,000/-. Inview of the settlement arrived in between the Petitioner and Respondent this the Hon'ble Court be pleased to set aside the Judgement and Conviction of sentence dated 30/10/2025 passed in Crl.Appeal 21/2025 on the file of III Additional District and Sessions Judge Kolar (Sitting at K.G.F.) by confirming the Judgement and Conviction of Sentence dated 07/02/2025 passed in of C.C.1220/2022 on the file Additional Senior Civil Judge and JMFC at K.G.F. by allowing the Criminal Revision Petition and further directed the Court of III Additional District and Sessions Judge Kolar (Sitting AT K.G.F.) wherein the Petitioner/Accused had deposited the amount Rs.1,85,000/- vide receipt dated 27/06/2025 before the appellate Court in Criminal Appeal 21/2025 and Further as per the order dated 08/06/2026 passed by this Hon'ble Court Petitioner had deposited Rs.7,45,000/- before the Court of Principal Senior Civil Judge and JMFC K.G.F. in C.C.1220/2022 to release in favour of the Petitioner by placing this Joint memo on record in the interest of justice."



CNR: KAHC010290182026

NC: 2026:KHC:45594
CRL.RP No. 678 of 2026

3. In view of the joint memo, the Trial Court and the First Appellate Court are directed to disburse the amount in deposit in favour of the petitioner on proper identification.

4. Learned counsel for the respondent submits that he has no objection to the disbursement of the amount in favour of the petitioner.

5. In terms of the joint memo, the petition stands ***disposed of.***

In view of the disposal of the petition, the pending interlocutory applications do not survive for consideration and are accordingly dismissed.

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

AM
LIST NO.: 1 SL NO.: 0