



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JUNE, 2026

BEFORE

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

CRIMINAL REVISION PETITION NO.706 OF 2026

BETWEEN:

1. SRI. Y.M.SUBBANNA
S/O MUNITHIRUMALAPPA
AGED ABOUT 39 YEARS
R/AT YERRAPPANAHALLI VILLAGE
DODDAGUBBI POST
BIDARAHALLI HOBLI
BENGALURU EAST TALUK
BENGALURU -560 077.

...PETITIONER

(BY SRI. D. NATARAJ, ADVOCATE)

AND:

1. MRS. SABRINA ANN BASTIAN
W/O MR. ARNOLD BASTIAN
AGED ABOUT 53 YEARS
R/AT NO.86,
2ND FLOOR, R.S.PALYA
KAMMANAHALI MAIN ROAD
OPP: NEAR CORPORATION BANK
BENGALURU -560 033.

...RESPONDENT

(BY SRI. VENKATACHALAPATHI M., ADVOCATE)

THIS CRL.RP IS FILED UNDER SECTION 397 R/W 401 OF CR.P.C (U/S 438 R/W 442 BNSS) PRAYING TO SET ASIDE THE IMPUGNED JUDGMENT DATED 06.03.2026 PASSED BY THE C/C IV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT MAYO

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by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



HALL, BENGALURU (CCH-21), IN CRL.APPEAL NO.25110/2025 AND ALSO THE ORDER OF THE TRIAL COURT DATED 18.02.2025 PASSED BY THE LEARNED 34TH ADDITIONAL CHIEF METROPOLITAIN MAGISTRATE AT BENGALURU IN CC NO.54727/2024 FOR PUNISHABLE OFFENCES UNDER SECTION 138 OF THE NEGOTIABLE INSTRUMENTS ACT AND ACQUIT THE PETITIONER.

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

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

ORAL ORDER

Heard learned counsel for the petitioner and learned counsel for the respondent.

2. The factual matrix of case of the complainant before the Trial Court is that accused and complainant entered into an agreement of sale and the accused received an amount of Rs.15,00,000/- and Rs.10,00,000/-, in total Rs.25,00,000/-. When the sale transaction did not come through, Cheques are issued and when the complaint was filed, the accused was secured before the Trial Court. At the time of pleading guilty and recording of plea of the accused, the accused admitted issuance of Cheques and also sought for time to pay the amount.



3. Having taken note of admission on the part of accused, the Trial Court while disposing the criminal case, in paragraph No.2, recorded the same that accused pleaded guilty and submits that he issued Cheque in favour of the complainant and prays time for payment of Cheque amount to the complainant. Accordingly, one month time is granted to the accused for payment of Cheque amount. After one month, the accused appeared before the Court and submitted that due to consumption of medicine for his leg pain, he is always in drowsiness and he has not understood what he has stated at the time of recording of plea. In this regard, the accused has not placed any evidence and documents to show that he was in drowsiness at the time of recording of plea. Further, it is pertinent to note that at the time of recording of plea and next day submission, he was in sound mind and healthy. Therefore, to avoid payment of Cheque, he has stated falsely before the Court. Further, it is pertinent to note that, at the time of recording the plea, the accused pleaded guilty and admitted the case and was also ready to pay the Cheque amount and subsequently, changed his mind set. Hence, passed an order



convicting the accused to pay the amount and in default, to undergo simple imprisonment for six months.

4. The order of the Trial Court is challenged before the First Appellate Court. The First Appellate Court also taken note of plea and guilty of the accused, wherein he has categorically admitted issuance of Cheques and confirmed the judgment of the Trial Court.

5. Now, learned counsel for the petitioner would submit that even the First Appellate Court also not considered the grounds urged by the petitioner. But, the fact is that when the plea was recorded and the accused himself admitted guilt and agreed to pay the amount admitting the Cheque as well as the liability, question of considering the revision petition does not arise when the very plea was recorded, that too, in the language known to the accused, wherein he categorically agreed issuance of Cheques and subsequently, when the time was given for a period of one month, instead of making payment, he had created a false story that he was under drowsiness and the same is not accepted by the Trial Court and the First Appellate Court. Hence, the question of entertaining



the revision as against the guilty pleaded by the accused does not arise.

Accordingly, the revision petition is ***dismissed.***

**Sd/-
(H.P.SANDESH)
JUDGE**

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List No.: 1 Sl No.: 60