



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL REVISION PETITION NO.791 OF 2025

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

BETWEEN:

RATHAN SINGH
S/O NARAYANA SINGH,
AGED ABOUT 50 YEARS,
R/AT D.NO.270, NANDHI BLOCK-3,
KSRP POLICE QUARTERS,
MYSURU - 570 002

...PETITIONER

(BY SRI. RAJU C N., ADVOCATE)

AND:

SRIDHAR
S/O LATE MADALA GIRI,
AGED ABOUT 47 YEARS,
R/AT D.NO.35, "MANJUNATHA NILAYA",
1ST PHASE, 1ST STAGE,
GAYATHRIPURAM,
MYSURU - 570 001

...RESPONDENT

(BY SRI. RUPESH KUMAR S., ADVOCATE)

THIS CRL.RP IS FILED UNDER SECTION 397 R/W 401 CR.PC (FILED U/S 438 R/W 442 BNNS) PRAYING TO SET ASIDE THE JUDGMENT OF CONVICTION PASSED IN CRL.A NO.373/2024 BY THE VII ADDITIONAL DISTRICT & SESSIONS JUDGE AT MYSORE, DATED 03.02.2025 AND IN C.C.NO.2455/2018 DATED 30.09.2024 BY THE III JMFC MYSORE FOR OFFENCE P/U/S 138 OF NI ACT, BY ALLOWING THIS PETITION IN THE INTEREST OF JUSTICE.



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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri.Raju.C.N, learned counsel for the
petitioner. None appears for the respondent.

2. Though the matter is listed for orders on
interlocutory application, matter is taken up for admission,
as the matter was not settled before the Mediation Center.

3. Petitioner has suffered an order of conviction
for the offence punishable under Section 138 of the
Negotiable Instruments Act, 1881 (for short 'NI Act') in CC
No.2455/2018, confirmed in Criminal Appeal No.373/2024.

4. The facts in the nutshell which are utmost
necessary for disposal of the present petition are as
under:

4.1. A complaint came to be lodged under Section
200 Cr.P.C alleging the commission of offence mentioned



under Section 138 of NI Act by contending that complainant and accused are acquainted with each other and accused borrowed a sum of Rs.1,50,000/- in first week of December, 2017 to meet his financial necessities with a promise to repay the same within a short period of time.

5. Towards repayment he issued a cheque bearing No.274083 for a sum of Rs.1,50,000/- drawn on State Bank of Mysuru, Mysuru branch which on presentation came to be dishonored with an endorsement 'funds insufficient'.

6. Legal notice was issued by the complainant calling upon the accused to repay the same. Despite due service of notice, there was no compliance to the callings of notice which necessitated the complainant to seek action against the accused.



7. Learned trial magistrate after securing the presence of the accused recorded the plea. Accused pleaded not guilty therefore, trial was held.

8. In order to prove the case of the complainant, he got examined himself as PW.1 and placed on record 7 documents which were exhibited and marked as Ex.P1 to Ex.P7, comprising of original dishonour cheque, bank endorsement, office copy of legal notice, postal receipt, track consignment report, original sale deed dated 20.05.2006.

9. As against the material evidence placed on record, accused got examined himself as DW.1 to rebut the presumption available to the complainant under Section 139 of the NI Act.

10. Learned trial magistrate after noting the answers exhibited in the cross examination stated that the accused was working in Police Department at Mysore and he knew the consequences of issuance of cheque and



dishonour thereof and also taking note of the fact that no action has been taken for the alleged misuse of the cheque, convicted the accused for the offence punishable under Section 138 of the NI Act which was confirmed by the First Appellate Court vide judgment dated 03.02.2025 in Criminal Appeal No.373/2024. Thereafter accused is before this Court.

11. Sri.C.N.Raju, learned counsel for the petitioner reiterating the grounds urged in the petition, would contend that the cheque in question came to be issued in favour of a Finance Chit Company, which has been misused by the complainant and thus sought for allowing the revision petition.

12. He would further contend that complainant failed to establish that he had lent sum of Rs.1,50,000/- to the accused and therefore, conviction of the accused is bad in law and sought for allowing the revision petition.

13. Today respondent's counsel absent.



14. Accordingly, this Court has perused the material on record based on the arguments put forth on behalf of the petitioner.

15. On such perusal of the material on record, there is no dispute that Ex.P1-cheque belongs to the accused and signature found therein is that of the accused. Admittedly, legal notice is not replied by the accused.

16. Defence of the accused is that a cheque which was issued to the Finance Chit Company has been misused by the complainant. If it is so, accused being working in the Police Department, having known the consequences, should have taken positive action against the complainant for alleged misappropriation of the cheque. No such action is forthcoming on behalf of the accused.

17. Taking note of these aspects of the matter, the conviction order recorded by trial magistrate confirmed by the First Appellate Court needs no interference that too in the limited powers of revisional jurisdiction.



18. Accordingly, the following:

ORDER

- (i) Revision petition is ***dismissed***.
- (ii) Amount in deposit is ordered to be withdrawn by the complainant under due identification.
- (iii) Balance amount to be paid on or before **20.05.2026.**

**Sd/-
(V SRISHANANDA)
JUDGE**