



CNR: KAHC010348452026

NC: 2026:KHC:39115
CRL.RP No. 830 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.830 OF 2026

BETWEEN:

SMT. VARALAKSHMI
W/O RAMU
AGED ABOUT 41 YEARS
ASSISTANT ENGINEER
CHESCOM DIVISION OFFICE
NAGAMANGALA TOWN
NAGAMANGALA TALUK-571432
PRESENT ADDRESS
JAYANAGARA LAYOUT
NAVODAYA ITI COLLEGE ROAD
K.R.PETE TOWN & TALUK
MANDYA DISTRICT- 571426

Digitally signed
by DEVIKA M

Location: HIGH
COURT OF
KARNATAKA

(BY SRI. RAJANNA C, ADVOCATE)

AND:

SRI MANJEGOWDA
S/O DODDEGOWDA
AGED ABOUT 44 YEARS
R/AT BASAVESHWARANAGARA LAYOUT
K.R.PETE TOWN & TALUK
MANDYA DISTRICT-571426

...PETITIONER

...RESPONDENT



NC: 2026:KHC:39115
CRL.RP No. 830 of 2026

CNR: KAHC010348452026

THIS CRL.RP IS FILED U/S 438 R/W 442 OF BNSS PRAYING TO SET-ASIDE THE JUDGMENT DATED 22/04/2026 MADE IN CRIMINAL APPEAL NO.5053/2024 BY THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE, MANDYA (SITTING AT SRIRANGAPATNA) AND ETC.

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

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

ORAL ORDER

Heard on I.A.No.2/2026 wherein prayer is sought once again for suspension of sentence.

2. This Court vide order dated 26.05.2026 suspended the sentence subject to payment of 50% of the cheque amount within two weeks. The said order was not complied. Again, I.A.No.2/2026 is filed for suspension of sentence. The counsel for the petitioner assigned the reason in the said application is that due to ill-health and inconvenience, the petitioner was unable to deposit the said amount and now, he is ready to deposit the 50% of Cheque amount. This application is not filed within time of two weeks from the order dated 26.05.2026 and this application is filed on 21.07.2026 and also no document is



CNR: KAHC010348452026

placed before the Court with regard to its ill-health is concerned and other reason assigned is inconvenience and the same cannot be a ground to suspend the sentence again.

3. In view of the judgment of the Apex Court reported in **(2020) 2 SCC 514** in the case of **SURINDER SINGH DESWAL AND OTHERS vs VIRENDER GANDHI AND ANOTHER** it is very clear that if the conditional order is not complied with, the interim order granted by the court stands vacated automatically. The Apex Court held that failure to comply with condition, suspension of sentence deemed to have been vacated and non-compliance with that condition has adverse effect on continuation of suspension of sentence. Court which has suspended the sentence on a condition, come after noticing non-compliance with that condition, can very well hold that suspension of sentence stands vacated due to non-compliance. In view of the said judgment and also no proper reasons are assigned by the revision petitioner in the application, the question of once again considering the suspension of sentence as sought in I.A.No.2/2026 does not arise. Hence, I.A.No.2/2026 is rejected. Consequently, the



CNR: KAHC010348452026

NC: 2026:KHC:39115
CRL.RP No. 830 of 2026

revision petition is also dismissed since, the matter is not yet admitted and the conditional order while suspending the sentence is not yet complied with. Hence, there is no grounds to continue the revision petition.

Sd/-
(H.P.SANDESH)
JUDGE

SN