



CNR: KAHC010352062025

NC: 2026:KHC:39192
CRL.RP No. 829 of 2025

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. 829 OF 2025

BETWEEN:

1. M/S K3 POWER PACK PVT. LTD
B -122, 3RD MAIN, 2ND STAGE
PEENYA INDUSTRIAL AREA,
BANGALORE – 560 058.
2. MR AHMED SHABEER KHAN
DIRECTOR, M/S K 3 POWER PVT. LTD.
B-122, 3RD MAIN 2ND STAGE,
PEENYA INDUSTRIAL AREA
BANGALORE – 560 058.
(AS PER AADHAR CARD
AHMED SHABEER KHAN
S/O AHMED KHAN)
AGED ABOUT 62 YEARS,
R/AT NO. 23/D, ATRIA TATA AQUILA
HEIGHTS, H M T MAIN ROAD, BANGALORE.
BANGALORE NORTH, PO:JALAHALLI
DIST:BENGALURU, KARNATAKA – 560 013.
3. MR. PATAN AMEER ALI KHAN
DIRECTOR, M/S. K 3 POWER PACK PVT. LTD
B-122, 3RD MAIN 2ND STAGE, PEENYA
INDUSTRIAL AREA, BANGALORE 560 058.
(AS PER AADHAR CARD
PATTAN AMEER ALI KHAN

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by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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S/O PATTAN MOHAMMED KHAN
AGED ABOUT 66 YEARS,
R/AT C-3-11, PLATINUM CITY,
HMT MAIN ROAD, NEAR PEENYA METRO
STATION, YESHWANTHPUR, BANGALORE NORTH,
BANGALORE, KARNATAKA – 560 022.

...PETITIONERS

(BY SRI. S SHANKARAPPA,ADVOCATE)

AND:

1. M/S MICRONOVA IMPEX PVT LTD
NO. 89/2 GANDHIBAZAR MAIN ROAD,
BASAVANAGUDI, BANGALURU 560 004.
REPRESENTED BY AUTHORIZED OFFICIAL
MR SAM PATH CHICHEWADI
ACCOUNTS RECEIVABLE HEAD.

...RESPONDENT

THIS CRL.RP IS FILED U/S 438 BNSS PRAYING TO SET
ASIDE THE ORDER OF CONVICTION AND SENTENCE PASSED
BY XIV ADDL. SCJ AND ACMM, MEMBER AND THE MOTOR
ACCIDENT CLAIMS TRIBUNAL (SCCH-10) AT BANGALORE IN
C.C. NO.756/2018 DATED 16.09.2021 AND CONFIRMED BY
HONBLE LII PRINCIPAL CITY CIVIL AND SESSIONS JUDGE AT
BENGALURU (CCH-53) IN CRL.A.NO.947/2022 DATED
03.03.2025 FOR THE OFFENCE P/U/S 138 R/W 142 OF N.I. ACT
AND ACQUIT THE PETITIONERS.

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



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

ORAL ORDER

This matter is listed for admission.

2. Heard the counsel appearing for the revision petitioner.

3. The factual matrix of the case of complainant before the trial Court that complainant is the Private Limited Company involved in the business of exporting, distributor and supplier of electrical products and electronic products. Accused company used to place order for purchase of ABB, switchgear, ACB, MCCB, Contactor, MPCB, MCB, OLR and accessories from the complainant company. Based on the purchase order, the complainant has supplied the materials by raising invoice for the respective products and items of the accused. As per the purchase condition, the accused required to pay invoice amount within 45 days because considering the business relationship, the complainant company had allowed 45



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days for credit time. However, even after 45 days, the accused failed to clear the outstanding amount. Thereafter, the complainant company being an authorized person have requested the accused to clear the outstanding amount. The same has been postponed by the accused. After repeated requests and meetings, the accused company persons have issued two cheques for sum of Rs.10,00,000/- each total amount of Rs.20,00,000/. At the time of issuance of cheque, the accused assured honouring of those cheques. When the cheques were presented, returned with an endorsement 'funds insufficient'. When the complainant representative have informed the same to the accused about the dishonour of cheque, at that time accused has informed that represent the cheque including postdated cheque for sum of Rs.23,18,371/- and issued one letter stating that the said cheques were issued under heavy pressure and insistence. The complainant issued reply to the said notice and denied the said allegations under letter dated



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20.09.2017. Thereafter as per the instructions of the accused, the complainant represented the cheque on 26.09.2017 but returned with an endorsement as 'funds insufficient' with the memo dated 27.09.2017. Hence, the complainant got issued the notice on 23.10.2017. The accused No.1 is company and the accused Nos.2 and 3 are the Directors of accused No.1. The said notice was served on 26.10.2017. In spite of the same, the accused did not comply with the demand and hence, the complainant was filed. The cognizance was taken and accused was secured. He did not pleaded guilty and claims the trial.

4. In order to prove his case, the complainant is examined as P.W.1 and got marked documents as Exs.P1 to P69 and also examined one witness as P.W.2 and on the other hand, the accused also examined himself as D.W.1 and got marked documents as Exhibit D1 to D6. The trial court having considered both oral and documentary evidence and also considering the admission



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on the part of D.W.1 that when he had raised the objection that material supplied was defective and categorically admitted that he has not issued notice to the complainant with respect to the defective materials allegedly supplied by the complainant's company and the very defence that material was supplied is defective is not substantiated by the accused. The accused also categorically admitted the issuance of the cheque and his liability and outstanding towards the complainant under Exs.P2 and P3 i.e. with respect to the cheque as well as the amount covered under the said cheques. The trial Court taken note of the same in paragraph No.17 in detail discussed the evidence of P.Ws.1 and 2 and also in terms of cheques at Exs.P2 and P3, due outstanding as per Ex.D2 produced by the accused himself is clear with regard to the liability is concerned and hence convicted and sentence the accused. The same is challenged before the appellate Court in Crl.A.No.947/2022 and the appellate Court also having considered the grounds urged in the



appeal memo and also considering Exs.P1 to P69 which clearly discloses the transaction between the complainant and accused and also the admission on the part of D.W.1. with regard to issuance of cheque and confirmed the order of the trial Court. Being aggrieved by the judgments of both the Courts, the revision petitioner is before this Court in this revision.

5. Now the main contention of the counsel appearing for the revision petitioner before this Court is that both the Courts have committed an error in appreciating the evidence available on record. Both the Courts have erred in considering the document of legal notice at Ex.P8 which does not mention under whose instructions it was sent. The contention that security cheques could not be used. The suspicion over the transaction which was proved by D.W.1 and documents at Ex.D1 to D6 could have been considered. When the case of complainant is doubtful, the trial Court ought not to



have convicted and sentence the accused and the appellate Court also ought not to have confirmed the same.

6. Having heard the counsel appearing for the revision petitioner and the grounds urged in the revision petition and also considering the evidence available on record i.e., evidence of P.Ws.1 and 2, D.W.1 categorically admits that in terms of Ex.D2, he categorically admitted the liability and outstanding towards the complainant and with respect to the cheques as per Exs.P2 and P3, the same are also admitted documents i.e. the accused has admitted the issuance of cheque. When the transaction was not denied and having purchased the material is not denied and the only defence was raised is that defective materials were supplied. But accused admits that he has not issued any notice making any complaint with regard to the defective materials which were supplied. All these materials were taken note of by the trial Court and also



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the admission on the part of the accused who has been examined as D.W.1. Hence, I do not find any ground that both the Courts have committed an error and the same suffers from its legality and correctness. The scope of revision is also very limited that too, only in case of miscarriage, this Court can entertain the revision petition and the same is not warranted with the case on hand. Hence, the revision petition is ***dismissed***.

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

SSD
List No.: 1 Sl No.: 34