



CNR: KAHC010358372026

NC: 2026:KHC:54593
CRL.RP No. 864 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MRS. JUSTICE GEETHA K.B.

CRIMINAL REVISION PETITION NO. 864 OF 2026

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

BETWEEN:

1. DR. SAMPOORNA
WIFE OF BSM NAIDU,
AGED ABOUT 59 YEARS,
CHAIRMAN, SAMPOORNA INTERNATIONAL
INSTITUTION OF AGRICULTURAL SCIENCE AND
HORTICULTURE TECHNOLOGY, BELAKERE,
CHANNAPATNA TALUK,
RAMANAGAR DISTRICT 562 160
2. DR. BSM NAIDU,
SON OF LATE NAGESHWARA RAO,
AGED ABOUT 60 YEARS
SECRETARY
SAMPOORNA INTERNATIONAL INSTITUTION OF
AGRICULTURAL SCIENCE AND HORTICULTURE
TECHNOLOGY, BELAKERE, CHANNAPATNA TALUK,
RAMANAGAR DISTRICT-562 160.

...PETITIONERS

(BY SRI. ABHINAY YT.,ADVOCATE)

AND:

1. NIKIL UR,
SON OF RAJAPPA K,

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AGED MAJOR
RESIDING AT UYIGOWDANAHALLY VILLAGE,
KASABA HOBLI,
HUNSUR TALUK-571 105

...RESPONDENT

(BY SRI. M C AMRUTHA VARSHINI.,ADVOCATE)

THIS CRL.RP IS FILED U/S 397 R/W 401 CR.PC (FILED U/S 438 R/W 442 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING TO SET ASIDE THE JUDGMENT DATED 9TH OF MARCH 2026 PASSED IN CRL.APPEAL NO. 146/2023 BY THE VIII ADDITIONAL DISTRICT AND SESSIONS JUDGE, MYSURU SITTING AT HUNSUR AND ALSO THE JUDGMENT DATED 29TH OF MARCH 2023 PASSED IN CC NO. 961/2017 PASSED BY THE PRINCIPAL SENIOR CIVIL JUDGE AND JMFC HUNSUR.

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

CORAM: HON'BLE MRS. JUSTICE GEETHA K.B.

ORAL ORDER

1. This is the revision petition filed under Section 397(1) r/w Section 401 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.'), and under Section 438 r/w Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, 'BNSS, 2023') by accused Nos. 1 and 2-the revision petitioners, challenging the judgment of conviction and order of

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sentence passed in C.C. No.961/2017 dated 29.03.2023 on the file of the Principal Senior Civil Judge and JMFC, Hunsur, Mysuru (in short, 'the Trial Court'), confirmed in CrI.A.No.146/2023 dated 09.03.2026 on the file of the VIII Additional District and Sessions Judge, Mysuru, sitting at Hunsur (in short, 'the Appellate Court').

2. Parties would be referred with their ranks, as they were before the Trial Court, for the sake of convenience and clarity.
3. The complainant has filed the complaint under Section 200 of Cr.P.C., alleging the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (in short 'NI Act') against accused Nos.1 and 2.
4. It is stated in the complaint that the complainant is a student and accused are the Chairman of the Sampoorna International Institution of Agricultural



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Science and Horticulture (for short 'the Institution') Belakere, Channapatna Taluk. He contended that after completion of his PUC, he intended to join B.Sc., (Agriculture) degree and he came to know that there is only B.Sc., Honours, which is not a recognized degree and then he has given an admission withdrawal letter to the Institution and requested to repay the entire fees paid by him; after receiving such letter, the accused have issued the subject cheque bearing No.554474 dated 27.01.2017 drawn on SBI Multi-City payable at par at all branches of SBI for a sum of Rs.1,30,500/-. The complainant has presented the said cheque for encashment through his banker and it was dishonored with an endorsement 'Cheque payment stopped' and then he has issued the legal notice to the accused, calling upon them to pay the cheque amount for which, they have given an untenable

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reply but not paid the cheque amount. Hence the complaint.

5. After recording the sworn statement, the trial Court has registered the case in C.C.No.961/2017 and issued summons to the accused.
6. After receipt of summons, the accused persons appeared through their counsel, they have pleaded not guilty of the offence and then they have cross-examined the complainant. Thereafter, the statement of accused persons under Section 313 of Cr.P.C., was recorded, wherein they have denied the contention taken by the complainant and accused Nos.1 and 2 were examined as DW.1 and s DW.2 respectively.
7. After hearing arguments, the Trial Court came to the conclusion that the complainant has established his case and convicted the accused persons and sentenced to pay fine of Rs.1,62,500/- out of which,

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Rs.1,60,500/- shall be payable to the complainant as compensation and remaining Rs.2,000/- to the State.

8. Challenging the said judgment of conviction and order of sentence, accused Nos.1 and 2 have preferred the appeal before the Appellate Court. After hearing both sides, the Appellate Court dismissed the appeal by confirming the judgment of conviction and order of sentence passed by the Trial Court. The same is under challenge in this revision petition.
9. Heard the arguments of both sides.
10. The learned counsel Sri Abhinay YT for revision petitioners would submit that the subject cheque reveals that the two persons signed as the authorized signatories of the Institution. Thus, the Institution ought to have been treated as accused represented by other accused persons i.e. Chairman and Secretary. However, instead of doing so, the

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complainant has made only accused Nos. 1 and 2 in their individual capacity as parties.

11. Ex.D.1 is the application form of the Institution filled by the complainant at the time of admission to the college establishes that he has paid the amount to the Institution and not to the present accused Nos. 1 and 2. Furthermore, he joined the course of B.Sc.,(Hons) in the year 2016; on 27.01.2017, he has given the application for withdrawal and considering it, the Institution had issued the subject cheque dated 27.01.2017 as per Ex.P.1 and subsequently, on 29.01.2017 the complainant came forward and would contend that he came to know that the B.Sc., Hons. Agriculture Science and Technology is an authorized degree from the University of Mysuru and thus, he intended to continue his education and also requested to make stop payment as per another Ex.D.1, which is confronted to PW.1. Accordingly, the accused have

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issued the 'stop payment' letter to the bank. These facts were brought to the notice of the complainant by issuing reply as per Ex.P.8 to the complainant. Even after giving such reply, the complainant has filed the case. In this regard, the accused have also examined the Secretary of the Institution as DW.2, who has specifically deposed that the complainant has given the application as per Ex.D.1 in the counter on 29.01.2017. However, these facts were not at all examined by the Trial Court and the Appellate Court. In the absence of making the Institution as party, the complaint is not maintainable in law. He also submits that the designation and names of accused Nos. 1 and 2 shown in the complaint does not tally with the Ex.P.1. Hence, prays for allowing the revision petition.

12. The learned counsel for the respondent Smt. Amruta Varsini would submit that the technical point was not

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raised by the accused before the Trial Court and the Appellate Court. Only this point is raised in the revision petition. Even otherwise as per the cross-examination of DW.1 and DW.2, they are running the Institution in accordance with the Trust. When cheque is issued on behalf of the Trust, then the Trust need not be made as party.

13. In this regard, the learned counsel for the respondent places reliance on the judgment of Hon'ble Apex Court in ***Sankar Padam Thapa v/s Vijaykumar Dineshchandra Agarwal***¹ and thus, not making the Trust as party is not fatal to the case of the complainant.

14. The learned counsel for the complainant further contended that as far as merits of the case are concerned, the complainant is only aged 18 years and his signature was taken on some forms at the

¹ 2025 INSC 1210



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time of he taking back his original marks card after he has given application for withdrawal of the admission. This fact is admitted by DW.1 and DW.2 in their cross-examination. Thus, without knowing the contents of Ex.D.1, the complainant had put his signature to it and this fact is correctly assessed by the Trial Court and the Appellate Court by giving cogent reasons, which cannot be interfered with in this revision petition.

15. Having heard arguments of both sides, verifying the revision petition papers, the Trial Court and the appellate Court records, the point that arises for consideration is:

"Whether the revision petitioners establish perversity or grossly erroneousness in the judgment of the trial court and appellate court or the judgment of the trial court and appellate court is glaringly unreasonable or wholly unreliable or untenable and the judgment of the trial court and appellate court considered immaterial or irrelevant material or no

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material or non-consideration of any relevant material or judicial discretion has been exercised arbitrarily or capriciously ?"

16. Finding of this Court on above point is in '**Negative**' for the following:

REASONS

17. The revisional jurisdiction of this Court is very limited. In this regard, this Court places reliance on the Judgment of the Hon'ble Apex Court in the case of ***Kuntegowda v/s Thurubaiah in Criminal Appeal No.3654/2026, (Arising out of Special Leave Petition (Criminal) No.2247 of 2024 dated 04.08.2026²***. In the aforesaid judgment, the Hon'ble Apex Court at paragraph Nos.7.1. to 7.3 has discussed the revisional jurisdiction of this Court, which reads as follows:

"7.1 This Court, in the State of Maharashtra vs. Jagmohan Singh Kuldip Singh Anand, (2004) 7 SCC 659 observed that the High Court, in exercise of its revisional

² 2026 SCC OnLine SC 1485



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jurisdiction, cannot embark upon an in-depth roving re-examination of the oral evidence and medical evidence and come to a conclusion contrary to the consistent one reached by two courts below. In the facts of the present case, in the impugned judgment, the High Court gravely erred in upsetting the concurrent findings of conviction of the trial court and the Appellate Court by substituting its own conclusions and reasoning on the merits of the case and thereby erred in setting aside the well-reasoned and correct judgement and orders of the trial and appellate courts.

7.2 Upon perusal of the impugned judgment and order dated 06.10.2023, it is apparent that the High Court went into great detail into each of the testimonies, documents and merits of the case which could have been avoided especially when the subject matter had come under its revisional jurisdiction. Instead, acting as an appellate Court, the High Court deemed it fit to go into the merits of the case, something which is generally impermissible unless a glaring contradiction is apparent on the face of record. In State of Kerala vs. Puttumana Illath Jathavedan Namboodiri, (1999) 2 SCC 452, while considering the scope of the revisional jurisdiction of the High Court this Court has laid down the following:

"5.... In its revisional jurisdiction, the High Court can call for and examine the record of any proceedings for the purpose of satisfying itself as to the correctness, legality or propriety of any finding,

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sentence or order. In other words, the jurisdiction is one of supervisory jurisdiction exercised by the High Court for correcting miscarriage of justice. But the said revisional power cannot be equated with the power of an appellate court nor can it be treated even as a second appellate jurisdiction. Ordinarily, therefore, it would not be appropriate for the High Court to reappreciate the evidence and come to its own conclusion on the same when the evidence has already been appreciated by the Magistrate as well as the Sessions Judge in appeal, unless any glaring feature is brought to the notice of the High Court which would otherwise tantamount to gross miscarriage of justice. On scrutinizing the impugned judgment of the High Court from the aforesaid standpoint, we have no hesitation to come to the conclusion that the High Court exceeded its jurisdiction in interfering with the conviction of the Respondent by reappreciating the oral evidence...."

7.3. The contours for exercise of revisional jurisdiction has been well settled by the judicial dicta of this Court wherein time and again it has been observed that the High Court shall not interfere with the orders of the lower court unless:

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i. The order or finding of the lower court is perverse, grossly erroneous, glaringly unreasonable or wholly unreliable or untenable in law.

ii. The lower court has passed the impugned order after considering an immaterial or irrelevant material or no material at all.

iii. There is a non-consideration of any relevant material or the judicial discretion has been exercised arbitrarily or capriciously."

18. Thus, only if the judgment of the trial Court confirmed by appellate Court is perverse or grossly erroneous, or grossly unreasonable, or wholly unreliable, or wholly untenable, or the trial Court considered an immaterial or irrelevant, material or no material or not at all relevant material or judicial discretion has been exercised arbitrarily and capriciously, the revisional Court can interfere with such judgment.

19. The alleged offence in this case is the offence under Section 138 of NI Act; to attract the offence under



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Section 138 of NI Act, the complainant has to satisfy the following ingredients:

- (i) that there is legally enforceable debt;*
- (ii) that the cheque was drawn from the account of bank for the discharge in whole or in part of any debt or other liability;*
- (iii) that the cheque has been presented to the bank within a period of six months from the date on which it is drawn or within the period of its validity, whichever is earlier;*
- (iv) that cheque so issued has been returned due to insufficiency of funds;*
- (v) the payee or the holder in due course of the cheque makes a demand for the payment of the said amount of money by giving a notice in writing to the drawer of the cheque, within 15 days of the receipt of information by him from the bank regarding the return of the cheque as unpaid*
- (vi) the drawer of such cheque fails to make payment of the said amount of money to the payee or the holder in due course of the cheque within 15 days of the receipt of the said notice.*

20. If the aforementioned ingredients are satisfied, then there shall be a presumption under section 139 of

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the N.I. Act. Always, the cheque is a bill of exchange and thus there shall be a presumption under Section 118 of the NI Act. But the presumptions available under Section 118 and 139 of the NI Act are rebuttable presumptions.

21. With this background, the facts of the present case are to be analysed and to verify whether the Trial Court and the Appellate Court have not examined the records produced by either party or erroneously appreciated the evidence.
22. The facts which are not in dispute are that the complainant has taken admission for B.Sc., Agriculture (Hons) in the Institution in the year 2016. He has given application for withdrawal of the admission on 27.01.2017; considering this, the cheque as per Ex.P.1 dated 27.01.2017 was issued to the complainant for a sum of Rs.1,30,500/- i.e., the admission fee given by the complainant at the



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time of he joining the Institution. When the said cheque was presented for encashment in April-2017, the same was dishonored with endorsement 'cheque payment stopped'. Afterwards, the complainant got issued legal notice dated 19.04.2017 to accused Nos. 1 and 2 and they have given reply as per Ex.P.8 dated 08.05.2017. Thereafter, on 07.06.2017, the complainant has filed the complaint before the Trial Court under Section 200 Cr.P.C., Thus, the above ingredients No. (iii) to (vi) of Section 138 of NI Act were fulfilled.

23. There are catena of judgments of Hon'ble Apex Court that even though the payment is stopped by the drawer, the offence under section 138 would be attracted.
24. When once the complainant able to establish this clause No.(iii) to (vi) then, automatically the statutory presumption under Section 139 of NI Act



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would be attracted in favour of the complainant that, there exists a legally enforceable debt and the cheque is issued for the discharge in whole or in part of any other liability.

25. It is the contention of the complainant that the accused has not rebutted the aforesaid presumptions available in favour of the complainant.
26. The learned counsel for the revision petitioners argued that, the accused Nos. 1 and 2 were only the authorized signatories of the Institution i.e. Sampoorna Institute of Technology and Research. However, the said institution is not at all made as party in this case. Hence, the complaint itself is not maintainable in law.
27. The learned counsel for the complainant contended that the Institution is being run by the Trust and thus, not making Institution as party is not fatal to the case of complainant.



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28. In this regard, the learned counsel for complainant places reliance on the cross-examination of DW.1 and DW.2. In that cross-examination DW.1 has deposed that "ನಮ್ಮ institute ನ ಹೆಸರು ಸಂಪೂರ್ಣ ಇನ್ಸ್ಟಿಟ್ಯೂಟ್ ಆಫ್ ಅಗ್ರಿ ಸೈನ್ಸ್ ಅಂಡ್ ಆರ್ಟಿಕಲ್ಟರ್ ಟೆಕ್ನಾಲಜಿ. ಅದನ್ನು ನಾವು ಟ್ರಸ್ಟ್ ಮೇರೆಗೆ ನಡೆಸುತ್ತಿದ್ದೇವೆ ಎಂದರೆ ಸರಿ. ಅದನ್ನು 2016 ರಿಂದ ನಡೆಸುತ್ತಿದ್ದೇವೆ. ನಾನು ಸದರಿ ವಿದ್ಯಾಸಂಸ್ಥೆ ಯಲ್ಲಿ ವೈಸ್ ಚೇರ್ ಪರ್ಸನ್ ಆಗಿರುತ್ತೇನೆ."

29. Thus, according to this cross-examination, the name of Institution is Sampoorana International of Agri Science and Horticulture Technology. The cheque in question is issued on behalf of Sampoorana Institute of Technology and Research. Thus, the name of Institution deposed by DW.1 and the name of Institution mentioned in Ex.P.1 differs.

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30. In the complaint, names of accused Nos. 1 and 2 are described as follows:

Accused No.1: Dr. Sampoorna
Chairman of Sampoorna
International Institution,

Accused No.2: Dr. BSM Naidu,
Chairman of Sampoorna
International Institution of
Agricultural Science And
Horticultural Technology

31. Thus, the designation and name of the institution of accused Nos. 1 and 2 in the complaint differs. In this case, the accused No.1 was shown as chairman of Sampoorna International Institution and accused No.2 was shown as chairman of Sampoorna Institute of Agricultural Science and Horticultural Technology. The Institution is not properly described against accused No.1. However, parties have understood the

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case; accused Nos.1 and 2 have contested the case and what is their role in the Institute. Hence, mis-description of accused No.1 & 2 is not fatal to the case of complainant.

32. The learned counsel for the complainant would submit that in the recent judgment, the Hon'ble Apex Court made it very clear that, if cheque is issued on behalf of a Trust, then the complaint would be maintainable even if it is filed only against the chairman or trustee of the said Trust. In ***Sankar Padam Thapa's*** case cited supra at paragraph Nos.4, 16, 27 and 29 held as follows:

"4. The William Carey University (hereinafter referred to as the 'University'), a recognized Private University, owned and sponsored by the Agriculture Crafts Trades and Studies Group of Institutions (hereinafter referred to as the 'ACTS Group'), was facing a severe financial crisis. The ACTS Group entered into a Memorandum of Understanding with Orion Education Trust (hereinafter referred to as 'Orion') on 12.10.2017 to hand over the

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management and administration of the University to Orion. The Respondent is the Chairman of Orion. As chairman of Orion, the Respondent issued authorization letters to all concerned, duly entrusting the Appellant with the task of liaising with governmental authorities and to undertake such activities to facilitate the effective transition of all administrative control of the University from the hands of the ACTS Group to Orion.

16. We have heard respective learned counsel for the parties and perused the materials on record. The question for consideration, as indicated in Paragraph 2 supra, is as to whether in the absence of a Trust being made an accused in a complaint under the NI Act, when a cheque has been issued on behalf of the Trust, the said complaint would be maintainable against the Chairman/a Trustee of the said Trust?

27. There exists no ambiguity about there being no legal requirement for a Trust to be made a party in a proceeding before a Court of Law since it is only a/the Trustee(s) who are liable and answerable for acts done or alleged to have been done for and on behalf of the said Trust. From a perusal of Orion's Deed of Trust, of which the Respondent is the Chairman/Authorized Signatory,

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it emerges clearly that the relevant clauses deal with the Trustee insofar as administering and holding the funds and properties of the Trust are concerned. Which is to say that the Trust (i.e., Orion) operates only through the Trustee(s) and that the objects thereof were for charitable purposes. The Deed of Trust also provides for permitting one or more Trustees to operate a bank account. It becomes all the more apparent that it is the Trustees alone, through whom the Trust funds/property(ies) are managed and dealt with. The Trust itself is without any independent legal status.

29. Hence, the question posed is answered in the affirmative. When a cause of action arises due to an alleged dishonour of cheque and a complaint is initiated under the NI Act, the same is maintainable against the Trustee who has signed the cheque, without the requirement to array the Trust also as an accused."

33. In the aforesaid judgment, the Hon'ble Apex Court made it very clear that if the cheque is issued on behalf of a Trust, then even without making the Trust



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as party, the complaint is maintainable because Trust is not having any independent entity.

34. In this regard, reading of Explanation to Section 141 of NI Act is very much required. It is extracted as follows.

*"Explanation.—For the purposes of this section,—
(a)"company" means any body corporate and includes a firm or other association of individuals; and(b)"director", in relation to a firm, means a partner in the firm. "*

35. The plain reading of this Explanation made it clear that the Company means any body corporate and includes a firm or other association of individuals, every person who at the time of the offence was in charge of, at the time the offence was committed is responsible and shall be liable to be proceeded against and punished accordingly.
36. It is not in dispute that Ex.P.1 - cheque is issued on behalf of the Sampoorina Institute of Technology and

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Research. In the cross-examination, DW1 clearly admits that they are running the aforesaid institution as Trust.

37. At this juncture, the judgment of Hon'ble Apex Court in ***Sankar Padam Thapa's*** case cited supra would come in aid to the complainant that Trust need not be made as party in case of Section 138 of Negotiable Instruments Act, 1881 and if the Chairman/Vice-chairman- the authorized signatory of the institution is made as party, then that is sufficient to proceed with the case.

38. With this background, the facts established before the Trial Court and the Appellate Court are to be examined to say whether the accused persons have rebutted the presumption available in favour of the complainant.

39. It is the specific contention of complainant that on 27.01.2017, because of his application for withdrawal



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of the admission, the accused have issued subject cheque in respect of the admission fee paid by him. This fact is not disputed by the accused persons.

40. It is to be noted here that reply to the legal notice is the foundation of the defence of the accused.
41. In the reply notice, at the time of cross-examination and in the defence evidence, accused have taken defence that the cheque issued in favour of the complainant was withdrawn as per the request of complainant. Their only contention is that subsequently on 29.01.2017, the accused has given an application for continuation of his admission and cancellation of his letter dated 27.01.2017. The said letter was confronted to the complainant and he admitted his signature on that document when confronted to him three times. However, his specific contention is that at the time of he getting back the original documents from the accused/Institution,

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they have taken signature on 2-3 papers consisting of writing and Ex.D.1 is one amongst them.

42. The complainant even though admits his signature on Ex.D.1, it is not considered by the Trial Court as well as the Appellate Court on the ground that, the complainant had put his signature to it without knowing the contents of it at the time of taking back the original marks card and other documents.
43. DWs.1 and 2 in their cross-examination admitted the taking signature of the complainant on 4-5 forms.
44. If a document is interpreted in two ways and the way it was interpreted by the Trial Court and the Appellate Court cannot be interfered in the Revision Court, because the jurisdiction of Revisional Court is very limited, as discussed above.
45. Both the Courts have concurrently held that Ex.D.1 is of no help to the accused to prove that accused was readmitted to the college. Under these

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circumstances, the judgment of conviction and sentence passed by the trial Court, confirmed by the appellate Court, does not require interference.

46. Hence this Court passes the following:

ORDER

The Criminal Revision petition is ***dismissed***.

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**(GEETHA K.B.)
JUDGE**

SPV,SSD
List No.: 1 Sl No.: 15