



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 11<sup>TH</sup> DAY OF FEBRUARY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE G BASAVARAJA**

**CRIMINAL APPEAL NO. 928 OF 2015 (A-)**

**C/W**

**CRIMINAL APPEAL NO. 929 OF 2015**

**IN CRL.A No. 928/2015**

**BETWEEN:**

1. SRI MADEGOWDA N R  
S/O LATE RAMAIAH,  
AGED ABOUT 62 YEARS  
R/AT NO.299,3RD "A CROSS,  
50 FEET ROAD,T.C. NAGAR,  
LAGGERE,  
BANGALORE-560 058

...APPELLANT

(BY SRI. UMASHANKAR M N., ADVOCATE)

**AND:**

1. SRI MANJUNATH M N  
FATHER'S NAME NOT KNOWN  
TO THE APPELLANT  
AGED ABOUT 34 YEARS  
R/AT NO.158,50 FEET ROAD,  
BHAMADEVARA MATA ROAD,  
CHOWDESHWARI NAGAR,  
LAGGERE, BANGALORE-560 058

...RESPONDENT

(BY SRI. N NAGARAJA ., ADVOCATE)

CRL.A. FILED U/S.378(4) CR.P.C BY THE ADVOCATE FOR THE  
APPELLANT PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED  
TO SET ASIDE THE JUDGMENT ORDER DATED 10.04.2014 PASSED

Digitally signed  
by  
SHARADAVANI  
B  
Location: High  
Court of  
Karnataka



**NC: 2026:KHC:8474**  
**CRL.A No. 928 of 2015**  
**C/W CRL.A No. 929 of 2015**

BY THE XIX A.C.M.M., BANGALORE, IN C.C.NO.19104/2012 (PCR NO.6181/2012) - ACQUITTING THE RESPONDENT/ACCUSED FOR THE OFFENCE P/U/S 138 OF N.I. ACT.

**IN CRL.A NO. 929/2015**

**BETWEEN:**

1. SRI MADEGOWDA N R  
S/O LATE RAMAIAH  
AGED ABOUT 62 YEARS  
R/AT NO.299, 3RD A CROSS  
50 FEET ROAD, T C NAGAR  
LAGGERE, BANGALORE-560058

...APPELLANT

(BY SRI. UMA SHANKAR M N.,ADVOCATE)

**AND:**

1. SRI MANJUNATH M N  
FATHER'S NAME NOT KNOWN  
TO THE APPELLANT  
AGED ABOUT 34 YEARS  
R/AT NO. 158, 50 FEET ROAD  
BHAMADEVARA MATA ROAD  
CHOWDESHWARI NAGAR  
LAGGERE BANGALORE-560058

...RESPONDENT

(BY SRI.NOTICE TO R1 IS SERVED AND UNREPRESENTED)

CRL.A. FILED U/S.378(4) CR.P.C BY THE ADVOCATE FOR THE APPELLANT PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO SET ASIDE THE IMPUGNED JUDGMENT ORDER DATED 10.04.2014 PASSED BY THE XIX A.C.M.M., BANGALORE IN C.C.NO.19105/2012 (P.C.R.NO.3950/2012) - ACQUITTING THE RESPONDENT/ACCUSED FOR THE OFFENCE P/U/S 138 OF N.I. ACT.



THESE APPEALS, COMING ON FOR ORDERS, THIS DAY,  
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

**ORAL JUDGMENT**

1. Crl.A.No.928/2015 is filed by the appellant/  
complainant being aggrieved by the dismissal of complaint  
vide order 10.04.2014 passed in C.C No.19104/2012 (PCR  
No.6181/2012) by the XIX Additional Chief Metropolitan  
Magistrate, Bangalore (for short "the trial Court").

2. Crl.A.No.929/2015 is filed by the appellant/  
complainant being aggrieved by the dismissal of complaint  
vide order 10.04.2014 passed in C.C No.19105/2012 (PCR  
No.3950/2012) by the XIX Additional Chief Metropolitan  
Magistrate, Bangalore (for short "the trial Court").

3. The Hon'ble Supreme Court in the case of  
CELESTIUM FINANCIAL v. A GNANASEKARAN ETC.  
reported in 2025 SCC ONLINE SC 1320, at paragraph 10 of  
the judgment, has observed as under:



HC-KAR

*"10. As already noted, the proviso to Section 372 of Cr.P.C. was inserted in the statute book only with effect from 31.12.2009. The object and reason for such insertion must be realised and must be given its full effect to by a court. In view of the aforesaid discussion, we hold that the victim of an offence has the right to prefer an appeal under the proviso to Section 372 of Cr. P.C., irrespective of whether he is a complainant or not. Even if the victim of an offence is a complainant, he can still proceed under the proviso to Section 372 and need not advert to sub-section (4) of Section 378 of Cr. P.C."*

4. In the light of the Hon'ble Supreme Court's recent clarification of the legal position, it is now evident that the appellant, being the complainant under Section 138 of Negotiable Instruments Act, 1881, is also entitled to file an appeal before the Sessions Court. If this Court were to proceed to hear and decide the appeal at this stage, it could deprive the parties of an available forum, i.e. this Court, for further challenge.



5. Considering the above, it is deemed fit that the present appeal be transferred to the concerned appellate Court of Sessions. Accordingly, I pass the following:

**ORDER**

- i. Registry is directed to transfer the entire record of the case to the concerned Principal District & Sessions Judge, who may assign it to the concerned Appellate Court having the jurisdiction and for which purpose, it would be listed before the Principal District & Sessions Judge;
- ii. The concerned transferee court is directed to issue Court notice to both the parties to appear before the concerned Court, and the concerned Court, thereafter, shall proceed with the case in accordance with law;
- iii. In case there are applications pending for condonation of delay or any other pending applications, the same also be transferred to be considered by the learned Judge of transferee Court, in accordance with law;
- iv. Considering the matter has been pending for considerable time, the Appellate Court



is requested to make an endeavour to dispose of the matter as expeditiously as possible;

- v. The appellant is permitted to carry out necessary amendment in the cause-title and also the provisions thereof;
- vi. It is made clear that this Court has not made any observations as to the merits of the case and all rights and contentions of the parties are left open to be agitated before the Court concerned.

6. In the light of the above observation and directions, appeals stand ***disposed of***.

**Sd/-**  
**(G BASAVARAJA)**  
**JUDGE**