



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL REVISION PETITION NO. 916 OF 2025

BETWEEN:

1. BYRAREDDY
S/O LATE MUNIVENKATAPPA,
AGED ABOUT 51 YEARS,
R/A NEELAPALLI VILLAGE,
PEDDUR POST,MURUGAMALLA
HOBLI,CHINTAMANI TALUK,
CHIKKABALLAPUR DISTRICT
PIN CODE 563 125.

...PETITIONER

(BY SRI. SUBRAMANI P T, ADVOCATE
FOR SRI. RAHUL S. REDDY,ADVOCATE)

AND:

1. SRI K V LAKSHMINARYANAREDDY
S/O LATE VENKATARAMANAREDDY,
AGED ABOUT 56 YEARS,
BUSSINESSMAN AND AGRICULTURIST,
R/A KANAGAMAKALAHALLI VILLAGE,
YAGAVAKOTE POST, CHINTAMANI TALUK,
CHIKKABALLAPURA DISTRICT 563 125.

...RESPONDENT

(BY SRI. B RAVINDRA,ADVOCATE)

THIS CRL.RP IS FILED U/S.397 R/W 401 CR.P.C (U/S 438
R/W 442 BNSS) BY THE ADVOCATE FOR THE PETITIONER
PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED

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Location: HIGH
COURT OF
KARNATAKA



TO SET ASIDE THE JUDGEMENT AND ORDER DATED 03.01.2024 PASSED IN CC.NO.277/2017 ON THE FILE OF ADDL. CIVIL JUDGE AND JMFC AND THE JUDGMENT DATED 16.04.2025 PASSED IN CRL.A.NO.09/2024 BEFORE THE II ADDL. DISTRICT AND SESSIONS JUDGE, CHINTAMANI, CONSEQUENTLY ACQUIT THE PETITIONER FOR THE OFFENCES P/U/S. 138 OF N.I. ACT.

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

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

ORAL ORDER

This matter is listed for admission.

2. The factual matrix of the case of complainant before the trial Court are that the complainant and accused are having mutual acquaintance with each other. On 01.10.2016 accused approached the complainant and requested Rs.4,50,000/- (Rupees Four lakhs fifty thousand only) for his family necessities. The complainant paid hand loan of Rs.4,50,000/- on 05.10.2016 and accused promised to repay the same within 5 or 6 months. After 5 months instead of paying the hand loan, the accused issued a cheque. When the same was presented, it was returned with an endorsement 'insufficient funds'.



Thereafter, the legal notice was issued to the accused and the same was served but no reply was given. The complainant filed the complaint against the accused and trial Court has taken cognizance and secured the accused and he did not plead guilty and hence claims the trial.

3. The complainant examined himself as P.W.1 and got marked documents Exs.P1 to P13. On the other hand, accused also examined himself as D.W.1 and got marked documents Exs.P1 to P10. The main contention of the counsel appearing for the revision petitioner before this Court is that the complainant was not having any capacity to lend the money and when such defence was taken and cross examined P.W.1, the complainant also produced a document of RTC extracts i.e. 12 RTC extracts. The Tahasildar has issued income certificate to one Lakshminarayanareddy stating that he has Rs.15,000/- (Rupees Fifteen thousand only) income per year and got marked 12 documents i.e. RTC extracts and contending that when he was having an amount of Rs.15,000/-



income per year, he was not having the capacity to pay the money. But admittedly the complainant is an agriculturalist and it is not disputed by the accused. P.W.1 also stated in his evidence that he has income from his agricultural land. When the complainant is an agriculturalist and the same is not disputed by the accused, it shows that the complainant is having an income through agriculture also and the same was taken note of by the trial Court in paragraph No.34 and in detail discussed in paragraph No.35 with regard to the financial capacity. The trial Court also taken note of defence that cheque was given to one P M Narayanaswamy. But the said Narayanaswamy was not examined before the Court. But the counsel would submit that the amount of Narayanaswamy was also paid but not collected the cheque. But he deposed that he will return the Cheque and not presented the cheque.

4. The other contention was taken that notice was not served. With regard to the service of notice is



concerned, the trial Court also extracted the admission on the part of the accused in cross-examination in paragraph No.46, wherein he categorically admitted that address mentioned in the legal notice is correct and if any notice is sent, the same will be served on him and also taken note of the provisions of General Clauses Act and discussed in paragraph Nos.46 and 47 and comes to the conclusion that notice was also served. The trial Court having considered the material on record, passed the reasoned order. The same is challenged before the Appellate Court in Criminal Appeal No.09/2024 and the appellate Court also having reassessed the evidence particularly taking note of the admission on the part of P.W.1 as well as the document of cheque. Even though defence was taken, that cheque was given to one Narayanswamy and the same is not substantiated and also not rebutted. By re-appreciating all the evidence on record, the appellate Court confirmed the order of the trial Court. Being



aggrieved by the same, the revision petitioner is beforel this Court in the present revision.

5. Having considered these two grounds of argument i.e. financial capacity as well as with regard to service of notice, both the Courts have given the finding in detail considering the material and also taken note of admission on the part of P.W.1 and also with regard to the capacity is concerned, the same was also considered i.e., Exs.P1- cheque, P6 and P7 are the 2 RTC extracts and comes to the conclusion that he was an agriculturist even though having an income as mentioned in Ex.D3 which was relied upon by the accused. As such, the complainant has case unless miscarriages happened and also order of the trial Court and Appellate Court do not suffers from its illegality and correctness. The counsel appearing for the respondent also contend that the trial Court as well as the appellate Court considered the material on record and passed well reasoned order. Hence, there is a force in the contention of the counsel appearing for the respondent



that the trial Court has not committed any error and so also the appellate Court. Therefore, it does not requires any interference of this Court. Accordingly, the revision petition is ***dismissed***.

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

SSD
List No.: 1 Sl No.: 25