



CNR: KAHC010401332023

NC: 2026:KHC:40186
CRL.RP No. 972 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2026

BEFORE

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

CRIMINAL REVISION PETITION NO. 972 OF 2023

BETWEEN:

SRI K KUMAR
AGED ABOUT 35 YEARS,
S/O. LATE KRISHNAPPA,
R/AT HULIBELE VILLAGE AND POST,
BANGARPET TALUK,
KOLAR DISTRICT-563 112

...PETITIONER

(BY SRI. UDHAYA KUMAR G, ADVOCATE (ABSENT))

AND:

SRI NARASIMHAIAH
S/O LATE SRI DODDA VENKATAPPA,
AGED ABOUT 66 YEARS,
R/O NO YARANGANAHALLI VILLAGE,
PEDAPALLI POST, OORGAUMPET,
KGF- 563 162.

...RESPONDENT

(BY SRI. PAVAN KUMAR G, ADVOCATE)

THIS CRL.RP IS FILED U/S.397 R/W PRAYING TO SET
ASIDE THE ORDER AND JUDGMENT PASSED BY THE SENIOR
CIVIL JUDGE AND J.M.F.C., KGF IN C.C.NO.949/2020 DATED
06.01.2023 AS PER ANNEXURE-B AND IN CRL.A.NO.5/2023
PASSED BY THE III ADDITIONAL DISTRICT AND SESSIONS
JUDGE, KOLAR (SITTING AT KGF), BY ORDER DATED
03.07.2023, ANNEXURE-A.

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010401332023

NC: 2026:KHC:40186
CRL.RP No. 972 of 2023

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

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

ORAL ORDER

Learned counsel for the revision petitioner is present and files a memo on 02.07.2026 reporting the death of respondent. As such, the counsel appearing for revision petitioner is directed to take steps against the legal representatives of deceased respondent within two weeks and the matter gets adjourned to 15.07.2026. On 15.07.2026, this Court has provided an opportunity to the revision petitioner to pursue in this matter inspite of directions issued by this Court vide order dated 02.07.2026. It is noticed that learned counsel for respondent is also not pursuing the matter.

2. This revision petition is filed against the judgment of conviction and order of sentence for the offence punishable under Section 138 of Negotiable Instruments Act, 1881 (hereinafter referred to as 'N.I.Act'



CNR: KAHC010401332023

for short) and also the confirmation order passed by the appellate Court.

3. In view of the judgment of Apex Court in the case of ***Ramesan (Dead) Through legal representative Girija A vs. State of Kerala reported in (2020) 3 SCC 45***, held that continuance of criminal appeal after death of appellant/accused, appeal arising from composite sentence of imprisonment as well as fine, such appeal on death of appellant/accused must be treated as an appeal against sentence of fine. Therefore, it must not abate with regard to sentence of fine as provided under Section 394(2) of Code of Criminal Procedure. The Apex Court in this judgment also relied upon the judgment in the case of ***Harnam Singh vs. State of Himachal Pradesh reported in (1975)3 SCC 343***, wherein also similar view is taken while discussing the provisions of Section 431 of the Code of Criminal Procedure, held that every appeal under Section 411A Sub-Section(2), or Section 417 shall finally abate on the



NC: 2026:KHC:40186
CRL.RP No. 972 of 2023

death of accused and every other appeal in this Chapter (except an appeal from a sentence of fine) shall finally abate on the death of appellant. But in the case on hand, when the revision petition is filed both against conviction as well as the fine, the same shall not abate. But in spite of opportunity given to the revision petitioner, the revision petitioner has not impleaded the legal heirs of deceased respondent. Hence, liberty is given to the respondent to proceed against the revision petitioner for recovery of fine amount in accordance with law. Accordingly, this revision petition is ***disposed of*** for non-taking of steps in respect of deceased respondent by the revision petitioner.

Sd/-
(H.P.SANDESH)
JUDGE

SSD
List No.: 1 Sl No.: 7