



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JULY, 2026

BEFORE

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

CRIMINAL REVISION PETITION NO.996 OF 2026

BETWEEN:

SMT. RADHA
W/O RAMAKRISHNA
AGED ABOUT 48 YEARS
R/AT NO.61, 2ND FLOOR
IHITACHADILA APARTMENT
1ST 'C' CROSS, VIVEKANANDANAGARA
KATHRIGUPPE MAIN ROAD
BANASHANKARI III STAGE
BENGALURU-560085

...PETITIONER

(BY SRI. N NAGARAJA, ADVOCATE)

AND:

SMT. PADMA VANI
W/O CHENGALARAYA
AGED ABOUT 46 YEARS
R/AT NO.259, BYRAPPA 2ND BLOCK
2ND MAIN, THYAGARAJANAGARA
BENGALURU-560028

...RESPONDENT

THIS CRL.RP IS FILED U/S 397 R/W 401 OF CR.P.C
PRAYING TO SET ASIDE THE JUDGEMENT OF CONVICTION AND
SENTENCE PASSED BY THE LEARNED XXII ACMM, BENGALURU
PASSED IN C.C.NO.32640/2018 DTD 01.08.2023 AND ETC.

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by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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 revision petition is filed against the judgment dated 01.08.2023 passed in C.C.No.32640/2018 and also against the judgment dated 10.04.2026 passed in CrI.A.No.1218/2023.

2. This matter is listed for admission. Heard the learned counsel appearing for the petitioner.

3. The factual matrix of case of the complainant before the trial Court is that accused has approached the complainant and requested for financial assistance to the tune of Rs.5,00,000/- to meet the expenses of her son's education and also her domestic problems assuring to repay the amount within a year. On payment of Rs.5,00,000/- to the accused on 10.08.2016, she has executed on demand promissory note in favour of the complainant for security. It is further contended that inspite of lapse of stipulated time, the accused has not turned up to repay the amount. After repeated requests, during



the month of April 2018, the accused has issued post-dated cheques for an amount of Rs.2,50,000/- each. When the cheques were presented, the same was returned with an endorsement 'funds insufficient'. Hence, the complainant issued legal notice and the same was served on the accused and reply notice was sent but failed to repay the amount. Hence, complaint was filed and cognizance was taken and accused was secured and she did not plead guilty.

4. In order to prove the case of the complainant, she herself examined as PW1 and got marked the documents at Ex.P1 to P13 and accused also examined herself as DW1 and also examined one witness as DW2. The trial court taken note of the material on record and when the defence was taken that accused is a member of the chit along with DW2 but she do not know the names of the members of the chit but then how did the accused suggested the name of Chaya, Saroja and Nalinamma to PW1 during the course of cross examination. But in the cross examination, accused categorically admits that she is not able to summon the other chit members and also not aware of the names of the persons. The same was considered



in paragraphs 18, 19, 20, 22 and 23 and comes to the conclusion that there is no any rebuttal evidence before the Trial Court though accused examined herself as DW1 and also examined one witness as DW2 when the cheque was issued and admitted the same that the same was given towards the liability. The defence that the cheque was given towards the chit was not substantiated. Hence, the trial court convicted and sentenced the accused for the offence punishable under Section 138 of N.I. Act.

5. Being aggrieved by the judgment of the trial court, an appeal was preferred before the appellate court. The Appellate Court also considered the evidence of PW1 in paragraph 22 and also the evidence of DW1 in paragraph 23 and comes to the conclusion that the evidence of DW1 and DW2 not substantiated the case of the accused. Hence, confirmed the judgment of the trial court.

6. Being aggrieved by the concurrent finding of both the courts, the present revision petition is filed before this court.



7. The counsel appearing for the petitioner would vehemently contend that both the courts have committed an error in considering the case of the petitioner though specifically pleaded that cheque was given towards the chit transaction and the same was not considered by Trial Court as well as Appellate Court. Even inspite of examining DW1 and DW2, their evidence is also not considered. Hence, the matter requires reconsideration.

8. Having heard the counsel appearing for the petitioner and also considering the material on record, it discloses that the cheque was given by the accused to the complainant and the same was admitted but only defence was taken that cheque was issued towards the chit transaction and unable to get the other members of the chit transaction to give evidence before the court and also not able to mention the names of other chit members. Though one of the member of the chit is examined as DW2, her evidence is also not in respect of the fact that there was a chit transaction between the complainant and accused and her evidence also not inspires the confidence of the court. Hence, the reasoning given by the trial



Court while appreciating the evidence as well as the appellate court while re-appreciating the evidence does not suffers from its legality and correctness. Hence, I do not find any ground to admit the revision petition. Accordingly, the petition is dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

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