



CNR: KAHC010415732026

NC: 2026:KHC:42641
CRL.RP No. 1012 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE VENKATESH NAIK T
CRIMINAL REVISION PETITION NO. 1012 OF 2026
(397(Cr.PC) / 438(BNSS))

BETWEEN:

PRAKASH KANNAN
S/O LATE K.R. KANNAN,
AGED ABOUT 46 YEARS,
R/AT NO.206, 7HLR RESIDENCY,
4TH MAIN, CROSS,
BALAJI LAYOUT, HONGANSANDRA,
BOMMANAHALLI,
BENGALURU-560 068.

...PETITIONER

(BY SRI. UDHAYA KUMAR G., ADVOCATE)

AND:

PADMA BABU
W/O SRI.B.L. BABU
AGED ABOUT 49 YEARS,
R/O SRI. RAMA PARK VIEW,
NO.201, RAVI HILL VIEW LAYOUT,
ITTAMADU,
BENGALURU-560085.

...RESPONDENT

(BY SRI. SANMUKH REDDY, ADVOCATE)

THIS CRL.RP IS FILED U/S 397 R/W 401 OF CR.P.C (U/S 438 R/W 442 BNSS) PRAYING TO SET ASIDE THE JUDGMENT DTD 16.02.2026 MADE IN CRL.A.NO.1317/2024 PASSED BY THE LXVI ADDL. CITY CIVIL AND SESSIONS JUDGE, BANGALORE (CCH-67) AND CONFIRM THE JUDGEMENT AND

Digitally
signed by
RAKSHA
Location:
High Court of
Karnataka



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SENTENCE DTD 24.06.2023 MADE IN CC.NO.12246/2022
PASSED BY THE HON'BLE XIX ACMM, BANGALORE.

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

CORAM: HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL ORDER

This revision petition is filed praying to set-aside the judgment dated 16.02.2026 passed in Crl.A.No.1317/2024 by learned LXVI Addl. City Civil & Sessions Judge, Bengaluru (CCH-67) and the judgment of conviction and sentence dated 24.06.2023 passed by learned XIX Addl. Chief Metropolitan Magistrate, Bengaluru in C.C.No.12246/2022.

2. Heard learned counsel for the petitioner and learned counsel for the respondent.

3. Learned counsel for the petitioner/complainant vehemently contended that the trial Court convicted the respondent for the offence punishable under section 138 of N.I. Act and sentenced the respondent to pay a fine of Rs.20,00,000/- by virtue of the joint memo filed by the complainant and the respondent before the trial Court. Being



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aggrieved by the judgment of conviction and order of sentence passed by the trial court, the respondent preferred Crl.A.No.1317/2024, wherein the first appellate Court allowed the appeal and remanded the matter for fresh consideration. He further contended that once the trial Court accepted the joint memo and recorded the conviction, remand of the matter by the First Appellate Court is not in accordance with law. Hence, the revision petitioner/complainant is before this Court.

4. Per-contra, learned counsel for the respondent vehemently contended that once the matter is compounded between the parties, the trial Court ought not have convicted the respondent for the offence punishable under section 138 of N.I. Act and therefore, the first appellate Court has rightly remanded back the matter for fresh consideration.

Learned counsel for the respondent further submitted that by virtue of the joint memo, the respondent paid a sum of Rs.8,50,000/- to the petitioner and the respondent has deposited 20% of the fine amount i.e., Rs.4,00,000/- before the trial Court as per the direction of the First Appellate Court.



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However, the trial Court issued fine levy warrant for the entire fine amount of Rs.20,00,000/- which is not in accordance with law. The trial Court ought to have issued fine levy warrant for the remaining fine amount. Said submission is placed on record.

5. Perused the order of the trial Court. The operative portion of the order of the trial Court in C.C.No.12246/2022 reads as under:-

ORDER

Acting under Section 255(2) of Cr.P.C., accused is convicted for the offence punishable under Section 138 of Negotiable Instruments Act 1881. She is sentenced to pay a fine of Rs.20,00,000/- in terms of joint memo, to the complainant. In default of payment of fine, she is sentenced to undergo simple imprisonment for a period of 01(one) year.

The above said fine amount of Rs.20,00,000/- is ordered to be paid under Section 357(1) (b) of Cr.P.C., to the complainant as compensation.

Office to furnish a free copy of this Judgment to the accused forthwith.

6. The perusal of the judgment of the trial Court passed in C.C.No.12246/2022, the trial Court has observed at paras 11 and 12 as under:-



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11. I have perused the joint memo placed on record by both the parties. In terms of the joint memo, the accused has agreed to pay a sum of Rs.20,00,000/- out of cheques amount of Rs.20,50,000/- to the complainant in eight(8) monthly instalments payable in a sum of Rs.2,50,000/- each on 20th day of every English Calender month commencing from July 2023 and ending to February 2024 as detailed in the joint memo, for which the complainant has also agreed for the same.

12. The terms of the joint memo make it clear that, the accused acknowledges her liability to the tune of Rs.20,00,000/- out of cheques amount of Rs.20,50,000/-. In view of the joint memo filed by both the parties, this Court is of the opinion that, the complainant is entitled to recover an amount of Rs.20,00,000/- from accused in terms of joint memo and thereby accused is guilty of the offence punishable under Section 138 of N.I. Act. Accordingly, I answer Point No.1 in the Affirmative.

7. It appears that the complainant and respondent filed a joint memo for a sum of Rs.20,00,000/- and the accused respondent had agreed to pay a sum of Rs.20,00,000/- and the respondent agreed to pay aforesaid amount in eight(8) monthly instalments payable in a sum of Rs.2,50,000/- each on 20th day of every English calendar commencing from July 2023 and ending to February 2024. It appears before commencing of monthly instalments payable to the complainant, the trial Court



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convicted the respondent for the offence punishable under Section 138 of N.I. Act and recorded conviction and sentence against him on 24.06.2023, which appears to be premature one. Once the joint memo is filed by both the parties, the trial court recorded the joint memo and compounded the matter. The trial court has not assigned any reason or any finding as to under what circumstances, the trial court has not accepted the joint memo of compromise submitted by both the parties. On the contrary, the trial court convicted the accused despite joint memo being filed by both the parties and ignoring the fact that the offences covered under N.I. Act can be compounded at any stage. Therefore, the first appellate court rightly set-aside the judgment of conviction and sentence passed by the trial court and rightly remanded the matter for consideration, from the stage of acceptance of Joint memo.

8. Once the joint memo is filed by both the parties for compounding an offence, the trial court must record the same and dispose of the matter in accordance with law. Section 147 of the N.I. Act states that every offence punishable under this Act is compoundable. This provision overrides the Code of



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Criminal Procedure (Cr.P.C), allowing parties to settle at any stage. Once the parties file a joint compromise petition, the court accepts it, and the accused is acquitted. No criminal conviction or sentence is imposed. The Court passes a final order disposing of the case based on the compromise memo/Joint memo instead of continuing the trial ordering punishment.

9. In view of disposal of this petition, the amount in deposit before the trial court be disbursed in favour of the petitioner on proper identification. Learned counsel for the respondent(accused) submits no objection to disburse the said amount to the petitioner.

10. Learned counsel for the respondent further submits that the respondent already deposited sums of Rs.8,50,000/- and Rs.4,00,000/- in all, Rs.12,50,000/- and the trial court ought to have issued fine levy warrant for the remaining fine amount. A fine levy warrant can be issued under Section 421 of Cr.P.C. when a person fails to pay a court imposed fine. The Fine Levy warrant is essentially an enforcement



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mechanism, it doesn't create the liability, but ensures payment, if the accused defaults. Under such circumstances, the trial court shall record the joint memo, compound the matter and issue fine levy warrant for the remaining amount in accordance with law.

Hence, the revision petition is disposed of.

**Sd/-
(VENKATESH NAIK T)
JUDGE**

MN
List No.: 1 Sl No.: 10