



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JUNE, 2026

BEFORE

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

CRIMINAL REVISION PETITION NO. 1013 OF 2026

BETWEEN:

K. B. SURENDRA,
S/O. K.J. BHYREGOWDA,
AGED ABOUT 39 YEARS,
R/AT. G. KEBBAHALLI VILLAGE,
K. GOWDAGERE POST,
KEREGODU HOBLI,
MANDYA TALUK,
MANDYA DISTRICT - 571 475.

...PETITIONER

(BY SRI. SANTHOSH KUMAR M B., ADVOCATE)

AND:

B.C. VENKATESH,
S/O. LATE CHIKKATHIMMEGOWDA,
AGED ABOUT 47 YEARS,
R/AT. BILIDEGULA VILLAGE,
KEREGODU HOBLI,
MANDYA TALUK,
MANDYA DISTRICT - 571 446.

...RESPONDENT

THIS CRL.RP IS FILED U/S 397 R/W 401 CR.PC (FILED
U/S 438 R/W 442 BNSS) PRAYING TO SET ASIDE THE
JUDGMENT AND ORDER OF CONVICTION PASSED IN
C.C.53/2019 VIDE ORDER DATED 16.04.2024 PASSED BY THE

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



ADDL. SENIOR CIVIL JUDGE AND CJM, MANDYA, AND JUDGMENT DATED 24.03.2026 IN CRL.A.NO.65/2024, PASSED BY THE I ADDL. DISTRICT AND SESSIONS JUDGE AT MANDYA AND ACQUIT THE PETITIONER BY ALLOWING THE REVISION PETITION.

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

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

ORAL ORDER

Heard the learned counsel appearing for the petitioner.

2. This revision petition is listed for admission along with application I.A.No.1/2026 for suspension of sentence.

3. The factual matrix of the case of the complainant before the Trial Court by invoking Section 138 of the Negotiable Instruments Act is that, the accused is the resident of neighbouring village and known person to the complainant. He used to purchase jaggery from the complainant on credit basis since one year. Five months back, the accused due an amount of Rs.4,80,000/- to the complainant with regard to credit purchase of jaggery and on a direction of complainant to



purchase the jaggery, after settlement of dues, the accused issued a cheque dated 16.11.2028 towards the discharge of said dues, requesting to present the cheque after three days. On presentation of the cheque, it was returned with an endorsement "Funds insufficient" on 26.11.2018.

4. The complainant got issued legal notice on 22.12.2018 through the counsel, and the said notice was duly served on the accused on 26.12.2018. Despite the service of notice, the accused failed to pay the cheque amount, hence he was constrained to file the complaint before the learned Magistrate and learned Magistrate took cognizance of the offence and the accused was secured before the Trial Court and he did not plead guilty. Hence the complainant examined himself as P.W.1 and got marked documents as Ex.P.1 to Ex.P.16.

5. On the other hand, accused examined himself as D.W.1 and examined one witness as D.W.2 and got marked documents as Ex.D1 to Ex.D7, but defense was taken that loan was borrowed for treatment of the accused father. But the complainant has produced the document with regard to the



business of jaggery and bank statement of the complainant from 15.03.2015 to 14.03.2019 along with income tax return acknowledgment Ex.P.12 to Ex.P15 which has been declared and also produced the original general licence dated 22.06.2018 as Ex.P10. Ex.P.8 and Ex.P.9 licences. Notice was also issued. No reply was given to the said notice. Even today during the course of cross examination of D.W.1, the defense itself suggested to P.W.1 having given the complaint, in connection with the business of jaggery and non-payment of money. When such being the case and when the defence is also taken and the Trial Court in paragraph No.8.8 has discussed about the same in detail.

6. It is the specific case of the complainant that the jaggery was purchased by the accused on credit basis. The only defence was taken that the complainant was not stated that what was the quantity of the Jaggery that was purchased by the accused. P.W.1 categorically stated that he needs to look into the document and defense was also appreciated by the Trial Court and defense of the accused is not substantiated by rebutting the evidence with regard to Section 139 of the



Negotiable Instruments Act. When such being the case, I do not find any ground to admit the revision petition and scope of revision is very limited.

7. The Trial Court also considering the material placed on record taken note of the defense in paragraph No.32, wherein the accused contended that in the month of March 2017, his father transferred Rs.40,000/-to the bank account of the brother of the complainant and paid balance money of Rs.2,10,000/-in the month of January 2019 by way of cash. The accused also produced Ex.D5 statement of account of DW2, which appears that on 17.03.2017, an amount of Rs.40,000/- transferred to brother of complainant and the said fact is not disputed by the complainant during the course of argument and is not relating to the present transaction and such amount is relating to the transaction between his brother and the accused. The same is re-appreciated in paragraph No.- 34 and the Trial Court comes to the conclusion that the complainant has not produced any receipts to show that the accused was purchasing the jaggery on credit basis, and the accused contended that he has not purchased Jaggery and the



same is discussed in paragraph No.35. The Appellate Court also having considered both oral and documentary evidence and upon considering the document at Ex.P.1 Cheque and also issuance of notice and no reply was given and defense evidence was set out is only an after thought and hence having considered both the judgment of the Trial Court as well as the Appellate Court, the same does not suffers from any legality and correctness. Hence, it is not warranted to admit the revision petition.

8. Hence, the revision petition stands dismissed.

9. In view of the dismissal of the main petition, I.A.No.1/2026 does not survive for consideration and stands dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

HR
List No.: 1 Sl No.: 71