



CNR: KAHC010420152025

NC: 2026:KHC:45680
CRL.A No. 1440 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 1440 OF 2025 (A)

BETWEEN:

M/S. SAHYADRI CHITS PVT. LTD.,
OFFICE AT VINAYAKA NILAYA,
BESIDE ROYAL ORCHID,
B. H. ROAD,
SHIVAMOGGA – 577 401.
REPRESENTED BY ITS FOREMAN,
RAMESH M. BHAT,
S/O. LATE MAHABALESHWAR BHAT,
AGED ABOUT 51 YEARS.

...APPELLANT

(BY SRI. ASHWATH C.M., ADVOCATE)

AND:

PAVITRA,
W/O. THIPPESWAMY G,

Digitally
signed by
SUSHMA
LAKSHMI
B S
Location:
High Court
of
Karnataka



CNR: KAHC010420152025

NC: 2026:KHC:45680
CRL.A No. 1440 of 2025

AGED ABOUT 37 YEARS,
R/AT GIRI NIVAS, #55/1,
HOUSE NO.53, 2ND CROSS,
BAPUJINAGARA
SHIVAMOGGA – 577 401.

...RESPONDENT

(BY SRI. LATHA S. SHETTY., ADVOCATE)

THIS CRL.A IS FILED U/S 378(4) CR.PC (FILED U/S 419(4) OF BNSS) BY THE ADVOCATE FOR THE APPELLANT PRAYING TO SET ASIDE THE JUDGMENT DATED 01.03.2025, PASSED BY THE II ADDL. DISTRICT AND SESSIONS JUDGE AT SHIVAMOGGA, IN CRL.A NO.173/2023 AND CONFIRM THE JUDGMENT DATED 04.10.2023 PASSED BY THE I ADDL. SENIOR CIVIL JUDGE AND CHIEF JUDICIAL MAGISTRATE AT SHIVAMOGGA, IN CC.NO.1810/2021 AND CONVICT THE ACCUSED FOR THE OFFENCES P/U/S 138 OF NEGOTIABLE INSTRUMENTS ACT.

THIS APPEAL, COMING ON FOR HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



CNR: KAHC010420152025

NC: 2026:KHC:45680
CRL.A No. 1440 of 2025

ORAL JUDGMENT

1. Heard Mr. Ashwath C.M., learned counsel for the appellant and Smt. Latha S Shetty, learned counsel for the respondent.
2. This Criminal Appeal is filed by the appellant seeking to set aside the judgment dated 01.03.2025 in Crl.A.No.173/2023 passed by the learned II Addl. District and Sessions Judge, Shivamogga.
3. Learned counsel for the respective parties filed joint memo for settlement, the same is taken on record, which reads as under.
4. The joint memo filed by the respective parties reads as under:

" Both the parties humbly submits as follows:

1. *The appellant has filed a criminal case in cc.no.1810/2021 on the file of Hon'ble additional senior civil judge and CJM at Shivamogga, against respondent for the offence punishable under section.138 of Negotiable Instruments Act.*



CNR: KAHC010420152025

NC: 2026:KHC:45680
CRL.A No. 1440 of 2025

2. *After conclusion of trial and hearing on both parties Hon'ble Trial Court was pleased allow the complaint and convicted the respondent/accused by vide judgment dated 04.10.2023.*
3. *Being aggrieved by the judgment dated 04.10.2023, the respondent/accused preferred an appeal in Crl.A.No.173/2023, before the Hon'ble II Additional District and Sessions Judge at Shivamogga. After hearing both the parties Hon'ble appellate Court was pleased to allow the appeal consequently acquitted the respondent/accused and set aside the judgment of Trial Court by vide judgment dated 01.03.2025.*
4. *Being aggrieved by the judgment of appellate court dated 01.03.2025, the appellant preferred this appeal before this Hon'ble court. Due to intervention of elders and well wishers the parties are settled their dispute amicably.*
5. *It is stated that the dispute between the Appellant and Respondent is settled for an amount of Rs.2,39,100/- i.e. amount*



CNR: KAHC010420152025

covered under the cheque bearing No.358611.

- 6. It is submitted that the Respondent has today paid a sum of Rs.1,90,200/- by way of D.D.No.661480 dated 20.08.2026, drawn on Union Bank.*
- 7. The Respondent/Accused donot have any objection to release the deposit amount which is deposited before the Hon'ble Trial Court i.e. 48,800/- in favour of the Appellant/Complainant.*
- 8. It is submitted that the amount being paid is towards the cheque amount and further the compromise arrived between the parties herein will not come in the way of recovery proceedings before the Ex.No.9/2021, filed to execute the judgment passed in DRCS/Chits/18/2018-19 dated 30.05.2019.*
- 9. It is submitted that Appellant/Complainant has the right to continue the Ex.No.9/2021 for recovery of balance due amount.*

Wherefore the parties humbly pray that this Hon'ble court be pleased to record the submit and pass necessary orders in the interest of justice."



5. On going through the contents of the joint affidavit, it appears that both the parties have settled their disputes amicably. Having considered the changed circumstances and also on considering the amicable settlement arrived between the parties, it is appropriate to record the settlement. Accordingly, I proceed to pass the following:

ORDER

- i. The Criminal Appeal stands *disposed of* in terms of the compromise between the respective parties.
- ii. The judgment dated 01.03.2025 in CrI.A.No.173/2023 passed by the learned II Addl. District and Sessions Judge, Shivamogga is set aside.
- iii. The appellant is acquitted for the offences punishable under Section 138 of N.I. Act.
- iv. Bail bond executed, if any, stands cancelled.



CNR: KAHC010420152025

NC: 2026:KHC:45680
CRL.A No. 1440 of 2025

v. The Trial Court is directed to release the amount deposited by the appellant in favour of the complainant on proper identification.

Sd/-
(S RACHAIAH)
JUDGE

JS/-
List No.: 1 Sl No.: 52