



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL REVISION PETITION NO.1004 OF 2025

(397(Cr.PC) / 438(BNSS))

BETWEEN:

1. M/S ABHYUDAYA DEVELOPERS
OFFICE NO. 5, BENDIGANAHALLI VILLAGE,
MANDUR POST,
BANGALORE - 560 049.
REPRESENTED BY SRI RAJANNA.

2. SRI RAJANNA
M/S ABHYUDAYA DEVELOPERS
AND AUTHORIZED SIGNATORY
AGED ABOUT 46 YEARS,
BENDIGANAHALLI VILLAGE,
MANDUR POST,
BANGALORE -560 049.

...PETITIONERS

(BY SRI D P MAHESH, ADVOCATE)

AND:

SMT. DR. GIRIJA
W/O LATE DR GOVINDARAJU,
AGED ABOUT 65 YEARS,
R/O NO.9, 3RD CROSS,
MANORAYANAPALYA,
SULTHANPALYA MAIN ROAD,
R T NAGAR POST,
BANGALORE 560 032.

...RESPONDENT

(BY SRI M.B.RAVIKUMAR, ADVOCATE)

THIS CRIMINAL REVISION PETITION IS FILED UNDER
SECTION 397 R/W 401 CODE OF CRIMINAL PROCEDURE

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PRAYING TO SETTING ASIDE THE JUDGMENT AND ORDER OF SENTENCE DATED 01.04.2025 PASSED IN CRL.A NO.551/2022 BY THE LEARNED LXIX ADDL.CITY CIVIL AND SESSIONS JUDGE (CCH-70) BY ALLOWING THE APPEAL AND SETTING ASIDE THE JUDGEMENT AND ORDER OF CONVICTION DATED 08.04.2022, PASSED IN CC 18780/2016, BY THE LEARNED VI ADDL.JUDGE, COURT OF SMALL CAUSES AND ADDL.CMM BENGALURU CITY BY ALLOWING THE APPEAL.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Learned counsel for the revision petitioner has filed memo which reads as under:

"1. It is submitted that the present petition is filed challenging the Judgment and Order of sentence dated 1-4-2025 passed in Cri. Appeal 551/2022, by the learned LXIX Additional City Civil and Sessions Judge (CCH-70) and Judgment and Order of sentence dated 8-4-2022, passed in C.C.18780/2016, by the learned VI Additional Judge, Court of Small Causes and Additional Chief Metropolitan magistrate, Bengaluru City.

2. It is submitted that the trial court was pleased to sentenced the petitioner No.2 herein pay fine of Rs.84,55,000/-. In default to pay the fine, the Petitioner



No.2 shall undergo simple imprisonment for a period of 3 months. The first appellate court was pleased to dismiss the appeal and confirmed the trial court judgment and order of sentence.

3. It is submitted that the cheque in question has been issued by the Petitioner No.2 towards the part payment of sale consideration in respect of immovable property vide Sale Deed dated 18-6-2015 executed by the Respondent herein in favour of in favour of wife of the Petitioner No.2. However, after the completion of sale transaction, it is noticed that the subject property of the sale deed has been mortgaged in favour of KSFC and the prior charge has been created before the execution of Sale Deed. After noticing the same and with the active co-operation of the Respondent herein, the petitioner No.2 approached the KSFC for OTS (One Time a Settlement). The Respondent has submitted Representation dated 7-3-2026 to the KSFC along with Demand Draft bearing No.018150, Dated: 07/03/2026 drawn on Axis Bank in favour of the KSFC for a sum of Rs. 10,00,000/- to settle the dispute in respect of mortgaged property. The Petitioner No.2 has paid Rs.10,00,000/- the Demand Draft on behalf of the Respondent herein.

4. It is submitted that as the Petitioner No.2 is persuading the KSFC authorities for One Time settlement regarding loan with the KSFC pertaining to the aforesaid property and authorities are taking time to consider the request. Hence, the Petitioner No.2 requires 6 month time to persuade the one time settlement with KSFC. The Respondent herein undertakes to extend full co-operation for OTS process for



conferring the valid right, title and interest in respect of subject property of Sale Deed alienated by her in favour of wife of the Petitioner No.2 as the same is the bounden duty of vendor.

5. It is submitted that in case the Petitioner No.1 and 2 are not able to get one time settlement from the KSFC within 6 months from today, then the Petitioners have to pay fine amount of Rs.84,50,000/- as per the order of the trial court dated 8-4-2022 passed in C.C. No.18780/16. In case the KSFC appropriated towards the loan amount, and refused to return Rs.10,00,000/- paid by the petitioner No.2 herein, then the Respondent herein agreed to receive Rs.74,50,000/-. In case, KSFC, refund the amount of Rs.10,00,000/- then only the Respondent is entitled to claim Rs.84,50,000/- as ordered by the trial court. In case of failure, the Respondent can proceed against the Petitioners to enforce the order dated 8-4-2022, passed in C.C.No.18780/2016,

6. It is submitted that this Hon'ble Court be pleased to take the consideration of the aforesaid clauses in the aforesaid memo and pass necessary orders as deems fit."

2. Placing the memo on record petition stands ***disposed of.***

3. It is made clear that if there is any default in the payment of fine amount as agreed in the memo, petitioner shall



undergo imprisonment as ordered by the learned Trial Magistrate, confirmed by the First Appellate Court.

Sd/-
(V SRISHANANDA)
JUDGE

MR
List No.: 2 Sl No.: 44