



NC: 2026:KHC:24372
CRL.RP No. 1207 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL REVISION PETITION NO. 1207 OF 2022

BETWEEN:

SRI. NAZIR SHARIFF
S/O LATE BUDAN SAB
AGED ABOUT 41 YEARS
R/AT HARENAHALLI VILLAGE
RAVANDUR HOBLI
PERIYAPATNA TALUK
MYSURU - 571 102.

...PETITIONER

(BY SRI NAGENDRA PRASAD L., ADVOCATE FOR
SRI HEMANTH KUMAR S R., ADVOCATE)

AND:

STATE BY NANJANGUD TOWN POLICE STATION
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BANGALORE - 560 001.

...RESPONDENT

(BY SMT. WAHEEDA M.M., HCGP)

THIS CRL.RP IS FILED U/S 397 R/W 401 CR.P.C., PRAYING TO
SET ASIDE THE JUDGMENT OF CONVICTION AND SENTENCE PASSED
ON THE FILE OF SENIOR CIVIL JUDGE AND J.M.F.C AT NANJANGUD
IN C.C.NO.78/2013 DATED 09.08.2021 AND 06.09.2021 AND ALSO
SET ASIDE THE ORDER PASSED IN CRL.A.NO.194/2021 DATED
07.09.2022 ON THE FILE OF THE PRL.DISTRICT AND SESSIONS
JUDGE, MYSURU AND ACQUIT THE PETITIONER.

Digitally signed
by ANUSHA V
Location: HIGH
COURT OF
KARNATAKA



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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri Nagendra Prasad L., learned counsel appearing for Sri Hemanth Kumar S.R., learned counsel for the petitioner and Smt. Waheeda M.M., learned HCGP for the respondent-State.

2. Though the matter is listed for admission, the matter is taken up for final disposal by consent of the parties.

3. The petitioner is the accused, who suffered an order of conviction in CC No.78/2013, confirmed in Crl.A.No.194/2021. Before the Trial Court, he has been sentenced as under:

"ORDER

It is held that the accused No.1 is not entitled for the benefit of Probation Offenders Act.

The accused No.1 is sentenced for the offences punishable for which he is convicted as follows:-

It is ordered that the accused No.1 is sentenced for the offence punishable U/s.417 of IPC with simple imprisonment of one year; and for the offence punishable U/s.419 of IPC with simple imprisonment of three years; and for the offence punishable U/s.420 of



IPC with simple imprisonment of three years; and for the offence punishable U/s.468 of IPC with simple imprisonment for three years; and for the offence punishable U/s.471 of IPC with simple imprisonment of three years.

All the above period of sentence shall run concurrently.

By exercising power conferred under Sec.357(3) of Cr.P.C., it is ordered that the accused No.1 shall forthwith pay compensation of Rs.1,00,000/- in favour of CW1 (PW9) Khatija Afroz.

By exercising power conferred under Sec.357(3) of Cr.P.C., it is further ordered that the accused No.1 shall forthwith pay compensation of Rs.1,35,000/- with interest at 18% p.a. from 25.03.2008 (Date of Ex.P13) till full and final payment; SO also compensation of Rs.4,73,000/- with interest at 18% p.a. from 18.11.2008 (Date of Ex.P15) till full and final payment; in favour of CW2 (PW7) Khaleemulla.

It is specifically clarified that if the accused No.1 fails to pay the above compensation, the same shall be recoverable from him as if arrears land revenue, at the instance of the respective victims mentioned supra, and they shall be entitled to file criminal miscellaneous petition before this Court for the recovery of the said amount from the accused No. 1, as per Law.

Similarly, it is further ordered that the office shall forthwith send a copy of this Judgment alongwith copy of Ex.P14 Power of attorney & and copy of Ex.P15 sale deed to the Sub Registrar, Nanjangud with direction to note about the fact of the conviction and sentence passed herein, in respect of execution of the said documents, and hold an enquiry regarding the invalidity (void-ab-initio) of the said documents and to take necessary action as per Law to get such document cancelled the Registers concerned, maintained by him in his office.

The accused No.1 is entitled for claiming set off, of the period undergone by him in custody during



investigation and trial of this case (if any), against the period of substantial imprisonment, supra.

Office to issue conviction warrant accordingly.

The entire records of this case shall be preserved for the reference in split up CC No.7/2018 and till the conclusion of trial as against the 3rd accused, against whom the chargesheet is not yet filed by the jurisdictional police."

4. It is found from the records that compensation amount to PW.7 and PW.9 is paid. Therefore, learned counsel for the petitioner would submit that this Court may consider the submission of the petitioner that the sentence ordered by the Trial Magistrate confirmed by the First Appellate Court of imprisonment of three years be set aside by enhancing the fine amount reasonably.

5. Per contra, Smt. Waheeda M.M., learned HCGP would contend that the petitioner has gone to the extent of altering the records. Therefore, ingredients of Sections 468, 471, besides offence under Sections 419 and 420 established by placing necessary material documents on record and therefore, no mercy can be shown.

6. Having heard the arguments of both sides, this Court perused the material on record meticulously. On such



perusal of the material on record, it is noticed that material on record would reflect that overwhelming material evidence is placed on record to maintain the conviction of the petitioner for the offences under Sections 419, 420, 468 and 471 of IPC. Therefore, order of conviction needs no interference that too in the revisional jurisdiction.

7. Having said so, the petitioner is now being aged about 63 years and has fulfilled the conditions of payment of compensation to PW.7 and PW.9 as ordered by Trial Magistrate, directing the petitioner to undergo simple imprisonment for the day till the rising of the Court and further directed to pay enhanced fine amount Rs.50,000/- on or before **20.05.2026** by which ends of justice would be met.

8. Accordingly, the following:

ORDER

- (i) Petition is ***allowed in part***;
- (ii) While maintaining the conviction of the accused for the offences under Section 419, 420, 468 and 479 of IPC, sentence ordered by the Trial Magistrate confirmed by the First Appellate Court is modified



by directing the petitioner to undergo simple imprisonment for the date till the rising of the Court and to pay enhanced fine amount on or before **20.05.2026;**

- (iii) Failure to pay the enhanced fine amount, the sentence ordered by Trial Magistrate confirmed by the First Appellate Court stands restored automatically; and
- (iv) Office is directed to return the trial court records with copy of this order forthwith for issue of modified conviction warrant.

Sd/-
(V SRISHANANDA)
JUDGE