



CNR: KAHC010448132025

NC: 2026:KHC:42460
CRL.RP No. 1025 of 2025

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.1025 OF 2025

BETWEEN:

SRI N RAJAPPA
SON OF LATE NARASIMHAREDDY,
AGED ABOUT 73 YEARS,
RESIDING AT NO.259,
DODDATHOGURU VILLAGE,
POST-ELECTRONIC CITY-560 100,
BEGUR HOBLI,
BENGALURU SOUTH TALUK,
BENGALURU - 560 100.

...PETITIONER

(BY SRI P. NARAYANAPPA, ADVOCATE)

AND:

1. MUNIRAJU
AGED ABOUT 35 YEARS,
SON OF ANNAIAHAPPA,
RESIDING AT KOPPA GATE,
POST-HULIMANGALA,
BENGALURU URBAN DISTRICT,
BENGALURU - 560 015.

2. NAGARAJA C
MAJOR IN AGE,
S/O CHIKKAMUNIYAPPA,
NO.19, BEHIND LADUBAI,
COMMUNITY HALL, LAGGERE,
BENGALURU - 560 058.

...RESPONDENTS

(BY SMT. SHARADA C., ADVOCATE, FOR R-1, &
R-2 IS SERVED)

* * *

Digitally
signed by
RAKSHA
Location:
High Court of
Karnataka



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THIS CRIMINAL REVISION PETITION IS FILED UNDER SECTION 438 OF THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, PRAYING TO SET ASIDE THE ORDER DATED 19.03.2024 IN P.C.R No.794/2023 PASSED BY THE HON'BLE CHIEF JUDICIAL MAGISTRATE, BENGALURU RURAL DISTRICT, BENGALURU VIDE ANNEXURE-A AND TO SET ASIDE THE ORDER DATED 21.04.2025 IN CRIMINAL APPEAL NO.37 OF 2024 PASSED BY THE HONBLE IX ADDITIONAL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, BENGALURU, VIDE ANNEXURE-B.

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

CORAM: HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL ORDER

Heard Sri P. Narayanappa, learned counsel for the petitioner-complainant, and Smt. Sharada C., learned counsel for respondent No.1-accused No.1.

2. The petitioner has preferred this revision petition under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the order dated 19.03.2024 passed by the learned Chief Judicial Magistrate, Bengaluru Rural District, Bengaluru, in P.C.R. No.794 of 2023, which is confirmed by the learned IX Additional District and Sessions



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Judge, Bengaluru Rural District, Bengaluru, in Criminal Appeal No.37 of 2024 dated 21.04.2025.

3. The brief facts of the case of the complainant are as under:

On 04.10.2023, Sri N. Rajappa, complainant, filed a complaint against the accused for the offences punishable under Sections 420, 471, 472 read with Section 34 of the Indian Penal Code, 1860, alleging that he is an Agriculturist, residing at No.259, Doddathoguru Village, Electronic City Post, Begur Hobli, Bengaluru South Taluk, and Owner of the land bearing Survey No.108, measuring 1 acre and 30 guntas and Survey No.109/2, measuring 2 acres and 9.08 guntas situated at Vittasandra Village. Agreement was entered into between the complainant and accused No.1 (in association with accused Nos.2 to 21) with proportion at 65:35 for sale of the property. Accused No.1 in association with accused Nos.2 to 21 issued a cheque, bearing No.687975 dated 13.07.2018, for a sum of Rs.5,50,00,000/- drawn on South Indian Bank, Sarjapura Branch, Bengaluru, in favour of the complainant. Thereafter,



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accused No.1 got executed consent deed in respect of the aforesaid property. Subsequently, accused Nos.1 and 2 behind the back of accused Nos.3 to 21 did not settle the agreed 65% of amount. Hence, the complainant lodged a complaint to the jurisdictional Police, but they failed to register a case against the accused. Hence, the complainant filed a private complaint against the accused.

4. After receipt of the complaint, the trial Court recorded the sworn statement of the complainant and observed that the complainant has not made out any grounds to proceed with the complaint. Accordingly, the Trial Court rejected the complaint filed under Section 200 of the Code of Criminal Procedure, 1973 (for short, Cr.P.C.').

5. The order passed by the Trial Court was challenged in Crl.A.No.37/2024 before IX Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru, and the same dismissed by the Sessions Judge. Hence, the petitioner has filed this criminal revision petition.



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6. Heard the learned counsel for the petitioner and perused the records.

7. Learned counsel for the petitioner vehemently contented that the complainant filed the complaint seeking cognizance of the offences against the respondents and contended that the order of the learned Trial Court as well as the First Appellate Court contradicted the well-established principles of law and that no action has been taken on the complaint. Thus, the learned counsel prays to allow the petition.

8. The "scope of revision" refers to the limited authority of a higher Court to review judgment of the trial Court and the First Appellate Court, focusing on correcting errors in jurisdiction or gross legal/factual flaws rather than re-examining the merits of the case. This power is exercised sparingly and is intended to set right a patent defect, not to function as an automatic second appeal. The specific grounds and limitations vary between civil and criminal proceedings. Revisions can address situations where the decision is grossly



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inaccurate, not supported by evidence, or where relevant evidence was ignored. The review is not a fresh trial. Courts are generally barred from re-examining evidence or substituting their own judgment for the lower Court's on matters of fact unless the findings are demonstrably perverse or arbitrary. The Hon'ble Apex Court has discussed the applicability and scope of revision in various decisions, which are highlighted hereunder:

A. The Hon'ble Apex Court in the case of **MUNNA DEVI v. STATE OF RAJASTHAN AND ANOTHER** reported in **(2001) 9 SCC 631** while discussing the scope of Section 397 of the Cr.P.C. at paragraph No.3 has held as under:

"3. xxx xxx xxx. The revision power under the Code of Criminal Procedure cannot be exercised in a routine and casual manner. While exercising such powers the High Court has no authority to appreciate the evidence in the manner as the trial and the appellate courts are required to do. Revisional powers could be exercised only when it is shown that there is a legal bar against the continuance of the criminal proceedings or the framing of charge or the facts as stated in the first



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information report even if they are taken at the face value and accepted in their entirety do not constitute the offence for which the accused has been charged."

B. The Hon'ble Apex Court in the case of **STATE OF TAMIL NADU v. R. SOUNDIRARASU AND OTHERS** reported in **(2023) 6 SCC 768** at paragraph No.79 has held as under:

"79. Thus, the revisional power cannot be exercised in a casual or mechanical manner. It can only be exercised to correct manifest error of law or procedure which would occasion injustice, if it is not corrected. The revisional power cannot be equated with the appellate power. A Revisional Court cannot undertake meticulous examination of the material on record as it is undertaken by the trial court or the appellate court. This power can only be exercised if there is any legal bar to the continuance of the proceedings or if the facts as stated in the charge-sheet are taken to be true on their face value and accepted in their entirety do not constitute the offence for which the accused has been charged. It is conferred to check grave error of law or procedure."



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C. Further, the Hon'ble Apex Court in the case of **STATE OF MAHARASHTRA v. SUJAY MANGESH POYAREKAR** reported in **(2008) 9 SCC 475** at paragraph No.16 has held as under:

"16. xxx xxx xxx. Now it is well settled that revisional jurisdiction can be exercised sparingly and only in exceptional cases. A Revisional Court cannot convert itself into a regular court of appeal."

9. Therefore, the revisional jurisdiction should normally be exercised in exceptional cases, when there is a glaring defect in the proceedings or there is a manifest error of point of law and consequently, there has been a flagrant miscarriage of justice.

10. A perusal of the material available on record clearly demonstrates that the cheque was issued in the year 2018 and the private complaint was filed in the year 2023. The cheque in question issued by the respondents was not presented for almost four years for encashment. Further, the complainant has nowhere stated that he never received any sale consideration



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or that any fraud had been played upon him. However, after expiry of four years from the date of issuance of the cheque, the present complainant has been filed by the complainant.

11. Further, while recording the sworn statement of the complainant, he has not examined any independent witness in support of his contention. The documents marked while recording the sworn statement of the complainant, more particularly, the contents of the consent deed, clearly demonstrate that the complainant had received the entire sale consideration by way of cheque as well as cash. Therefore, the Trial Court as well as the First Appellate Court clearly observed that the complainant had not produced any relevant material to substantiate his contention that the cheque in question was issued by the accused persons towards sale consideration and the same was not presented. Therefore, there is no sufficient material to proceed against the accused. Accordingly, the Trial Court rightly declined to take cognizance against the accused for the aforesaid offences and the order of the Trial Court was rightly confirmed by the First Appellate Court. Thus, there is no merit in the contention of the revision petition.



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Accordingly, the revision petition is ***dismissed***.

Sd/-
(VENKATESH NAIK T)
JUDGE

KVK (Paragraph No.1 to 3)
TMP (Paragraph No.4 to end)
List No.: 1 Sl No.: 25