



CNR: KAHC010462692019

NC: 2026:KHC:40126
CRL.P No. 1229 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 1229 OF 2020

BETWEEN:

SRI CHANNABASAPPA
S/O LATE CHANNABASAPPA,
AGED ABOUT 63 YEARS,
NAVODAYA FIRST GRADE COLLEGE,
CHIKKANAYAKANAHALLI,
TUMKUR DISTRICT - 572 214.

...PETITIONER

(BY SRI M.MUNEGOWDA, ADVOCATE FOR
SRI NAGENDRA C S., ADVOCATE)

AND:

SRI M.R.ANANTHA KUMAR
S/O C R RANGASWAMIAH,
AGED ABOUT 49 YEARS,
NO.1ST MAIN ROAD,
7TH CROSS, 4TH BLOCK,
NANDINI LAYOUT,
BENGALURU - 560 096.

...RESPONDENT

(BY SRI P DHANANJAYA, ADVOCATE)

THIS CRL.P IS FILED U/S 482 OF CR.P.C. PRAYING TO SET ASIDE ORDER DATED 31.12.2017 PASSED BY XX ADDL.C.M.M., BENGALURU IN C.C.NO.11488/2013 AND CONFIRMED BY CITY CIVIL AND SESSIONS JUDGE, BENGALURU IN CRL.RP.NO.145/2018 AND TO DIRECT MAGISTRATE TO RELEASE COMPENSATION AMOUNT OF RS.50,000/- (RUPEES FIFTY THOUSAND ONLY) ALREADY DEPOSITED BY RESPONDENT IN FAVOR OF PETITIONER IN C.C.NO.11488/2013, PASSED BY XX ACMM AT BANGALORE.

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging order dated 30.12.2017 passed by XX ACMM, Bengaluru in CC no.11488/2013 confirmed by LXVII Addl. City Civil and Sessions Judge, Bengaluru (CCH-68) in CrI.RP no.145/2018 disposed of on 16.08.2019, this petition is filed.

2. Sri M.Munegowda, learned counsel for petitioner submitted that petitioner was accused in PCR no.2761/2013 filed by respondent (complainant) for offence under Section 138 of Negotiable Instruments Act, 1881 (**NI Act**). On taking cognizance, same was registered as CC no.11488/2013. After full-fledged trial, wherein petitioner opposed by vehemently denying transaction, trial Court by its judgment dated 22.11.2014, acquitted accused. Aggrieved thereby, though respondent-complainant had filed CrI.A no.1143/2014 before this Court. In meanwhile, trial Court called upon complainant to show-cause why compensation should not be awarded to accused for false prosecution. On failure of complainant to show-cause, it had passed an order on 05.01.2015 directing



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complainant to pay sum of Rs.50,000/- as compensation to accused or in default to undergo simple imprisonment for period of 3 months. Against said order, complainant had filed Crl.A no.102/2015. During pendency of above appeal, complainant deposited amount of Rs.50,000/- before trial Court. Said appeal was allowed on 21.12.2015 and matter came to be remitted back to trial Court for fresh consideration after affording opportunity to complainant. Even thereafter, complainant did not appear and showed cause. Under above circumstances, instead of proceeding to pass orders in terms of Section 250 of CrPC, learned Magistrate passed impugned order on 30.12.2017 dismissing complaint, once again acquitting accused and denying release of amount in favour of accused. Only reason stated was that accused had not challenged order dated 10.01.2017 passed in Crl.A no.102/2015.

3. Aggrieved by said order, petitioner had filed Crl. RP no.145/2018. But same was dismissed on 16.08.2019 on sole ground that an appeal preferred by complainant against order of acquittal was pending before this Court in Crl.A no.1143/2014. But said appeal came to be dismissed for non-prosecution on 13.06.2022. Thus it was evident that



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complainant had firstly failed to appear and show-cause before learned Magistrate and secondly, failed to pursue appeal filed by him before this Court and thereby virtually accepted acquittal of petitioner and conceded to show-cause notice issued by trial Court. Consequently, order denying release of compensation amount deposited by complainant before trial Court would not be justified and prayed for reversing orders passed by trial Court as well as Revisional Court and directing release of compensation amount deposited before trial Court.

4. Sri P Dhananjay, learned counsel for respondent opposed petition.

5. Heard learned counsel and perused impugned order and material on record.

6. From above, order of acquittal in CC no.11488/2013 filed by respondent-complainant against petitioner herein for offence punishable under Section 138 of NI Act is not in dispute. After passing of order of acquittal, trial Court had issued show-cause notice to complainant under Section 250 of CrPC against award of compensation to accused for false prosecution. On failure to show-cause order came to



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be passed granting compensation of Rs.50,000/- to accused, on 05.01.2015. Said order was challenged by complainant in Crl.A no.102/2015. But he had deposited compensation amount before trial Court. Thereafter, appeal was allowed and matter remitted back to trial Court for fresh consideration after granting opportunity to complainant.

7. Perusal of order sheet of trial Court would indicate that opportunity provided was not availed by complainant. Despite taking note of non-appearance, trial Court passed impugned order on 30.12.2017 dismissing complaint for non-prosecution and acquitting accused, which suffered from total non-application of mind. Non-appearance of complainant was to show-cause notice against award of compensation to accused for false prosecution, ought to have led it to determine and award compensation, instead of order of dismissal of complaint for non-prosecution. Since, trial Court had determined compensation amount earlier and same is also deposited and order of remand was only to provide opportunity without any interference on quantum of compensation, trial Court ought to have awarded compensation.



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8. In revision against said order, Revisional Court may have been justified in observing pendency of appeal against judgment of acquittal in CC no.11488/2013, but subsequent dismissal of Crl.A no.1143/2014 for non-prosecution on 13.06.2022 and absence of any efforts for restoration as well as fact that complainant had failed to avail opportunity to show-cause before trial Court would lead to only one conclusion that complainant was guilty of false prosecution of accused and accused would be entitled for compensation. Since amount of Rs.50,000/- was determined earlier and already deposited by complainant before trial Court, same is determined as compensation and directing release in favour of accused under Section 250 of CrPC and directing trial Court to release said amount in favour of accused forthwith on presentation of certified copy of this order.

Petition stands ***disposed of*** accordingly.

Sd/-
(RAVI V HOSMANI)
JUDGE

AV

List No.: 1 Sl No.: 21