



CNR: KAHC010466232024

NC: 2026:KHC:36100
CRL.RP No. 1082 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL REVISION PETITION NO.1082 OF 2024

BETWEEN:

1. SRI. K. DEEPAK
S/O S. KRISHNAN
AGED ABOUT 29 YEARS
R/AT NO.252, 7TH CROSS
1ST MAIN ROAD, PRAKASH NAGAR
BENGALURU-560 021.

...PETITIONER

(BY SRI. AKRAM PASHA K., ADVOCATE)

AND:

1. SMT. H. LATHA
W/O SRINIVASA MURTHY
AGED ABOUT 41 YEARS
R/AT NO.9/1, 1ST G CROSS
POOJAMMA TEMPLE ROAD
GORUGUNTE PALYA
BENGALURU-560 022.

...RESPONDENT

(BY SRI. SHARATH KUMAR SHETTY, ADVOCATE)

THIS CRL.RP IS FILED U/S.397 R/W 401 OF CR.P.C (U/S 438 R/W 442 BNSS) PRAYING TO SET ASIDE THE ORDER PASSED BY THE HONBLE LXVIII CITY CIVIL AND SESSIONS JUDGE, BENGALURU IN CRL.A.NO.341/2023 DTD 17.05.2024 AND IN CC.NO.16736/2019 DTD 17.02.2023 PASSED BY THE HONBLE XV ACMM, BENGALURU.

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

This matter is listed for admission. I have heard learned counsel for the petitioner and learned counsel for the respondent.

2. This revision petition is filed against concurrent finding. It is the specific case of complainant that accused had issued a Cheque acknowledging the liability of the amount which was borrowed by the mother of the accused from the complainant. It is also the specific defence before the Trial Court that he did not borrow the loan. But, his mother borrowed the loan of Rs.1,00,000/- from the complainant and repaid it in monthly installment of Rs.10,000/- till October 2019 and had given two Cheques as admitted in the reply notice and he had also signed those Cheques and it is very clear that Cheques were given in 2018. With regard to repayment of amount of Rs.10,000/- each also, no document is placed before the Court and the same is also admitted in the cross-examination.



3. The argument of learned counsel for the revision petitioner is that Cheques were given on behalf of mother and mother only availed the amount of Rs.1,00,000/- and once, the accused admits that he had issued two Cheques and it is also the specific case of the complainant that twice amount was borrowed and on account of receipt of amount of Rs.2,00,000/- each twice on different occasions, both the Cheques are issued. Exs.P1 and P2 are the Cheques dated 13.05.2019 and these Cheques are subsequent to availing the loan. It is also the specific case of the complainant that amount was advanced in 2018 and these two Cheques are given subsequently, but the Cheques are of subsequent dates, but P.W.1 says that at the time of availing the loan itself, Cheques are given. Hence, it is clear that D.W.1 categorically admitted that those two Cheques belong to him and he is not doing any travel business. But, he is a driver and he studied upto SSLC. In the reply notice, he did not mention that Cheques not belong to him. But, during the course of evidence while cross-examining P.W.1 and leading evidence denied the signature and also categorically admits in



the cross-examination for having misused the Cheques, he has not given any complaint.

4. Having taken note of these admissions on the part of D.W.1, the transaction is admitted and the accused has not substantiated the fact that loan availed by the mother is only Rs.1,00,000/- even though examined himself as D.W.1 and the Trial Court and the First Appellate Court taken note of the same and the First Appellate Court also having re-appreciated the evidence comes to the conclusion that there is an admission and also taken different stands were taken during the course of evidence denying the signature, though the same is admitted and also considering reply notice which was given subsequent to filing of complaint, wherein admitted availing of loan only to the extent of Rs.1,00,000/- and the said reply is nothing but an afterthought only to limit the liability, such defence was taken that only an amount of Rs.1,00,000/- was borrowed and for having repaid the amount also, nothing is placed on record. Hence, I do not find any ground to entertain this revision petition and no ground is made out to entertain the revision petition.



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

**Sd/-
(H.P.SANDESH)
JUDGE**

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List No.: 1 Sl No.: 28