



CNR: KAHC010504382026

NC: 2026:KHC:41635
CRL.RP No. 1165 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF AUGUST, 2026

BEFORE

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

CRIMINAL REVISION PETITION NO. 1165 OF 2026

BETWEEN:

MRS. SUMATHI SHANKAR,
W/O SHANKAR L,
AGED ABOUT 33 YEARS,
R/AT NO.5B001,
LVS EXCELLENCY APARTMENT,
ANANTHAPURA CIRCLE,
T C PALYA CLUB ROAD,
K R PURAM,
BENGALURU - 36.

...PETITIONER

(BY SRI. JAYAPRAKASH SHETTY B., ADVOCATE)

AND:

MR. T. THARSIS BINNY,
S/O LATE THOMAS T,
AGED ABOUT 49 YEARS,
R/AT NO.126/B, 3RD CROSS,
DODDANNA LAYOUT,
SUBBANNAPALYA,
BANASWADI POST,
BENGALURU - 43.

...RESPONDENT

Digitally
signed by
SUNITHA K S
Location:
High Court of
Karnataka



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THIS CRL.RP IS FILED U/S 397 R/W 401 CR.PC (FILED U/S 438 R/W 442 BNSS) PRAYING TO SET ASIDE THE JUDGMENT AND ORDER DATED 29.06.2026 PASSED BY THE LXXIV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, MAYO HALL, CCH 75) BANGALORE CITY IN CRIMINAL APPEAL NO.25239/2025 CONFIRMING THE JUDGMENT AND ORDER DATED 10.06.2025 PASSED BY THE XXXIV ADDITIONAL CMM, BANGALORE, IN CC.NO.51561/2019 BY ALLOWING THE ABOVE REVISION PETITION.

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. Heard the learned counsel appearing for the petitioner.

2. The case of the complainant is that, the complainant and accused are family friends known to each other for many years. The accused approached the complainant for a hand loan of ₹5,00,000/-, agreeing to repay the same within a span of 3 months. Considering the request, he paid ₹5,00,000/- by way of cash to the accused. In order to repay the hand loan, the accused issued a cheque for ₹5,00,000/- on 28.11.2018. When the



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cheque was presented, the same was dishonored with an endorsement of 'insufficient funds'.

3. Thereafter, a legal notice was issued and the same was served on the accused on 18.01.2019. Despite receiving the notice, the accused failed to pay the cheque amount. A complaint was filed and cognizance was taken. The accused was secured before trial Court, he did not plead guilty and hence claimed the trial.

4. The complainant was examined as PW.1 and marked documents Ex.P1 to P10 and examined one witness as PW2. On the other hand, the accused examined herself as DW1 and got marked document as Ex.D1.

5. The trial court taking into note of defence which was taken particularly in paragraph No.25, wherein DW.1 raised the defence claiming he was a stranger to the complainant and that no transaction took place and the cheque was forged and signature not belongs to her and



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cheque was misplaced from where her cheque book was kept in the office of Mrs. Darchana.

5. The trial Court taking note of the defence also comes to the conclusion that no steps was taken against the complainant or Mr. Surain and Mr. Suresh with respect of misplacement, misuse and forging of the signature of the cheque. However, as per the application of the complainant, Ex.P1 cheque was sent to a Forensic Science Laboratory along with the admitted signatures of the accused. The forensic report clearly established that the standard signatures marked as S-1 to S-21 and the questioned signature marked as Q on the cheque are one and the same.

6. Even lab report was also considered. With regard to the defence concerned as the cheque was forged and misused, nothing is placed on record except examining DW.1 before the court. The only document



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produced is Ex.D1 i.e., certified copy of the judgment passed in CC No. 50795 of 2019.

7. The rebuttable evidence is only that cheque was not issued for consideration, but accused failed to place any satisfactory reason to probabalise the said defence and the same is taken note in paragraph No.27 as against the cheque - Ex.P1 and the same is proved that the cheque belongs to the accused only. Not only the evidence of the handwriting expert, even comparing the signature available in the plea form and also 313 statement of the accused, the same is considered in paragraph No.25 of the judgment of the trial Court, concluding that the accused failed to probablize her rebuttal evidence, the trial Court convicted and sentenced the accused.

8. The appellate court secured the records and re-appreciated the evidence.



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9. Learned counsel appearing for the revision petitioner would submit that, the appellate court heard the matter the very next day after receiving the records, and the petitioner did not give proper opportunity before the appellate court.

10. Having considered the material on record particularly the defence that he was a stranger and did not issue the cheque, this fact has been scientifically proved by the Court based on the evidence available before the court. By comparing the signatures on the plea form, the Section 313 statement and the Cheque - Ex.P1, along with the scientific expert report and the record, the Court taken note that the defence of being a stranger is taken, what made him to give a cheque in favour of the complainant is not explained.

11. Under these circumstances, I do not find any error in the judgments passed by the trial Court and also the appellate court in appreciating the evidence, and the



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findings of the trial court and appellate court not suffers from its legality and correctness. Hence, I do not find any grounds to entertain the revision petition.

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

In view of the dismissal of the petition, I.A.No.1/2026, does not survive for consideration and is accordingly disposed of.

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

SKS