



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 1952 OF 2022 (A)

BETWEEN:

SRI Y G ASHWATH
S/O LATE M GOVINDAPPA
SINCE DEAD REP BY HIS LRS
SRI Y A BHARGAV
S/O LATE Y G ASHWATH
AGED ABOUT 29 YEARS
R/A NO.748,
A SECTOR
YELAHANKA NEW TOWN
BANGALORE-560 064.

...APPELLANT

(BY SRI. CHANDAN K., ADVOCATE)

AND:

SRI SRIHAR BABU @ R SRIDHAR
S/O RAMACHANDRAPPA
AGED ABOUT 32 YEARS
RESIDING AT NO.200, 7TH CROSS
1ST BLOCK
NEAR AXIX BANK ATM
VISHWAPRIYA LAYOUT
BEGURE
BENGALURU-560 068.

PERMANENT ADDRESS:
KUNDUMARANAPALLI VILLAGE
DENKANIKOTE TALUK
KRISHNAGIRI DISTRICT
TAMILNADU.



...RESPONDENT

(V/O DATED 19.02.2026 - NOTICE TO RESPONDENT IS D/W)

THIS CRL.A. IS FILED U/S.378(4) OF CR.P.C PRAYING TO SET ASIDE THE ORDER OF DISMISSAL DATED:16.07.2019 PASSED BY THE XXII ADDL. CHIEF METROPOLITAN MAGISTRATE, BENGALURU IN C.C.NO.28592/2014, VIDE ANNEXURE-A AND ETC.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

The appellant has preferred this appeal against the order passed by the XXII Additional Chief Metropolitan Magistrate, Bengaluru in C.C.No.28592/2014 dated 16.07.2019.

2. The brief facts leading to this appeal are that the complainant/appellant had filed complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the N.I.Act'). After taking cognizance, case was registered in C.C.No.28592/2014 and the Trial Court has issued the summons to the accused on 28.10.2014. That



on 16.07.2019 the Trial Court has dismissed the complaint for default. Being aggrieved by this order, the appellant has preferred this appeal.

3. In the memorandum of appeal, it is stated that the Court has issued the NBW to the accused. After issuance of NBW, the Court has to ascertain whether NBW is executed or not. The Trial Court has not whispered anything in the impugned order in this regard and passed the following order:

"The Complainant absent.

The advocate for complainant again prays time for taking steps.

It is perused from the order sheet that, the case is kept for taking steps since 26.08.2017.

But the LR's of complainant have not turned up for taking steps. The case is of the year 2014.

No reasons to adjourn the matter for taking steps.

Hence, the complaint stands dismissed for default".



4. The Trial Court has dismissed the complaint for default for not taking steps. Considering the facts and circumstances of the case, it is just and proper to provide one more opportunity to the complainant to take steps against the accused. Hence, I proceed to pass the following:

ORDER

- i) Appeal is allowed.
- ii) The impugned order passed by the XXII Additional Chief Metropolitan Magistrate, Bengaluru in C.C.No.28592/2014 is set aside and the same shall be restored.
- iii) Complainant is directed to appear before the Trial Court on 07.04.2026 without seeking any further notice from the Trial Court.
- iv) The appellant is directed to take necessary steps to secure the accused.
- v) The Trial Court is directed to provide opportunity to the complainant to take



steps against the accused and after securing the accused, the Trial Court shall proceed with the case in accordance with law.

Registry is directed to send the copy of the order to the Trial Court.

Sd/-
(G BASAVARAJA)
JUDGE

GSR
List No.: 1 Sl No.: 37