



CNR: KAHC010528802026

NC: 2026:KHC:41738
CRL.RP No. 1225 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

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

CRIMINAL REVISION PETITION NO.1225 OF 2026

BETWEEN:

1. SUDHA K.,
W/O. LOKESHAPPA,
AGED ABOUT 55 YEARS,
R/AT NO.7, 12TH CROSS,
MAGADI MAIN ROAD,
SIDDESHWARA NILAYA,
OPP. VENKATESHWARA STORE,
AGRAHARA DASARAHALLI,
BENGALURU-560040.

AND ALSO WORKING AS JUNIOR ASSISTANT,
ENQUIRE OFFICE,
KEMPEGOWDA BUS STATION,
KSRTC, TRAFFIC BRANCH,
BENGALURU-560009.

...PETITIONER

(BY SMT. USHA M., ADVOCATE)

AND:

1. VASANTH KUMAR.G.,
S/O. GURAPPA SHETTY,
AGED ABOUT 66 YEARS,
R/AT NO.216, 2ND MAIN,
T.C.NAGARA, LAGGERE,
BENGALURU-560058.

...RESPONDENT

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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CRL.RP No. 1225 of 2026

THIS CRL.RP IS FILED U/S. 397 R/W 401 OF CR.P.C PRAYING TO SET ASIDE THE IMPUGNED JUDGMENT AND ORDER DATED 06.11.2023 IN CC NO.11396/2021 PASSED BY THE HONBLE COURT OF XII ADDL. SMALL CAUSES JUDGE AND ACMM (SCCH-8), BENGALURU AND ITS CONFIRMATION IMPUGNED JUDGMENT AND ORDER DATED 06.07.2026 PASSED IN CRL.A NO.1665/2023 PASSED BY LXIV ADDL. CITY CIVIL AND SESSIONS JUDGE (CCH-65) AT BENGALURU.

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 for the revision petitioner.

2. The factual matrix of the case of the complainant before the Trial Court is that in the first week of February 2021, the accused requested the complainant for a hand loan of Rs.1,95,000/- to meet the medical expenses of her mother and hence, the complainant paid the said amount to the accused. Towards the discharge of the liability, the accused issued a cheque dated 20.09.2021. When the said cheque was presented, the same was returned with an endorsement "funds insufficient". Hence, notice was served on the accused on 16.10.2021. In spite of service of notice, the accused neither



complied with the demand nor gave any reply. Hence, complaint was filed and cognizance was taken. The accused was secured and she did not plead guilty and claimed the trial. The complainant examined himself as P.W.1 and got marked the documents at Exs.P.1 to 7. The accused did not choose to lead any defence evidence. However, cross-examined P.W.1 raising three grounds.

3. The first defence of the accused is that the cheque was taken by the complainant in order to produce the cheque to the bank as security at the time of availing loan by the complainant and there was no any transaction. The same is not substantiated and issuance of the cheque is admitted and signature is admitted and why he has taken the cheque is not explained. The accused even did not place any material before the Court that the complainant had borrowed the loan from the bank and at that time, he had taken the cheque only to hand over the cheque to the bank and hence, the first defence was not substantiated.

4. The second defence is that notice was not served. But the notice was served on the accused and produced the



CNR: KAHC010528802026

acknowledgment before the Court as Exs.P.6 and 7. It is also a categorical case of the complainant that notice was sent to the house as well as the office of the accused and both are served and in order to disprove the same, nothing is placed on record and even not led any evidence that the notice sent to the accused as per legal notice Exs.P.3 and Exs.P.4 and 5 not belongs to her address and no evidence is placed on record. The Trial Court taken note of the general clauses of presumption and second defence was also not established.

5. The third defence is that the complainant was not having any financial capacity to make the payment. The same is also met by the Trial Court while considering the case of the complainant in paragraph No.19. The only ground urged was that it was not declared in the IT returns and hence, the Trial Court comes to the conclusion that there is no need of declaring the advancing of the amount in the IT returns and also considered Sections 118 and 113 of Negotiable Instruments Act with regard to the presumption is concerned.

6. The Appellate Court in CrI.A.No.1665/2023 re-appreciated the material available on record, particularly the



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CRL.RP No. 1225 of 2026

CNR: KAHC010528802026

defence which was taken by the accused. The other ground urged before the Appellate Court is that no proper opportunity is given. The Appellate Court in paragraph No.27 taken note of that the cross-examination of P.W.1 was adjourned for more than a dozen time and ultimately, P.W.1 was cross-examined, but nothing is elicited from the mouth of P.W.1. When such reasoning is given by the Trial Court and the Appellate Court with regard to the transaction is concerned and there is no dispute with regard to the cheque and signature and nothing is placed on record to rebut the evidence and hence, I do not find any grounds to entertain the revision petition and hence, the criminal revision petition is dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 24