



CNR: KAHC010545042026

NC: 2026:KHC:47787
CRL.RP No. 1246 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE VENKATESH NAIK T
CRIMINAL REVISION PETITION NO. 1246 OF 2026

BETWEEN:

SRI. SRIHARI ACHARYA N
S/O LATE VITHOBHA ACHARYA,
AGED ABOUT 45 YEARS,
R/O NO. 213, 4TH MAIN ROAD,
CHAMARAJPET, BENGALURU - 560 018.

...PETITIONER

(BY SRI. HARISH KUMAR M.S, ADVOCATE)

AND:

SRI. VIJAYA SAVANUR S.K.
S/O LATE S. KRISHNA RAO,
AGED ABOUT 45 YEARS,
R/O NO. 109, 1ST FLOOR, 6TH CROSS,
5TH MAIN, RK LAYOUT,
PADMANABHA NAGAR,
BENGALURU - 560 070.

...RESPONDENT

(BY SRI. DILIP KUMAR I.S, ADVOCATE)

THIS CRL.RP IS FILED U/S 397 R/W 401 OF CR.PC (FILED U/S 438 R/W 442 BNSS) PRAYING TO SET ASIDE THE ORDER PASSED BY THE LXV ADDL. CITY CIVIL AND SESSIONS JUDGE (CCH-66) AT BENGALURU IN CRIMINAL APPEAL NO.183/2022 DATED 16.06.2026 CONFIRMING THE ORDER PASSED BY THE SCCJ AND ACMM IN CC.NO.1563/2018 DATED 13.01.2022.

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

Digitally signed
by
NAGARATHNA
M
Location: High
Court of
Karnataka





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CORAM: HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL ORDER

Learned counsel for the revision petitioner is present.

2. Sri. Dilip Kumar, learned counsel undertakes to file vakalath of behalf of the respondent.

3. The petitioner has filed this revision petition under Section 397 read with Section 401 of the Cr.P.C. (Section 438 read with Section 442 of the BNS 2023), challenging the concurrent findings of the Trial Court as well as the First Appellate Court.

4. Learned counsel for the petitioner and learned counsel for the respondent have filed a joint memo, which reads as under:

"1. In the above Criminal Revision Petition, the Petitioner herein has challenged the order passed by the LXV Addl.City Civil & Sessions Judge (CCH-66) at Bengaluru in Criminal Appeal No.183/2022 dated 16-06-2026 confirming the order passed by the SCCJ & ACMM, Bengaluru in CC No.1563/2018 dated 13-01-2022 convicting the petitioner to pay total fine amount of Rs.25,10,000/-. In default of payment of fine amount the accused was ordered to under go simple imprisonment for a period of six months.



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2. The Petitioner/Accused has agreed to pay a sum of Rs.15,00,000/- (fifteen Lakh) only against the claim of the Respondent /Complainant for a sum of Rs.16,35,757/- being the cheque amount. The Respondent/Complainant accepting the offer made by the Accused/Petitioner has agreed to receive a sum of Rs.15,00,000/- (fifteen Lakh) only as full and final settlement amount and discharge the Petitioner/Accused from any further liability.

3. The Petitioner/Accused during the pendency of the Criminal Appeal has deposited a sum of Rs. 5,00,000/- (five lakh) before the LXV Addl.City Civil & Sessions Judge (CCH-66) at Bengaluru in Criminal Appeal No.183/2022 and the Petitioner herein has no objection whatsoever to withdraw the said amount by the Respondent/Complainant.

4. The Petitioner/Accused for the payment of balance amount of Rs.10,00,000/- (Ten Lakh) has drawn two DDs as per the instruction of the Respondent/Complainant. The details of the same are as follows:

a) A sum of Rs.5,00,000/- by way of DD bearing No.31138 drawn on Axis Bank, Chamarajpet in favour of Sri Vijay Krishna Rao Savanur the Respondent herein.

b) A sum of Rs.5,00,000/- by way of DD bearing No.31139 drawn on Axis Bank, Chamarajpet in favour of Smt.Sheetal H.S.

The Respondent/Complainant hereby admits the receipt of entire a sum of Rs.15,00,000/- from the Petitioner/Accused.

5. The Respondent/Complainant in view of the settlement between the parties has agreed to cooperate with the Petitioner/Accused to see that proceeding initiated against him in CC No.16796/2018 pending on the file of 4th ACMM Court, Bangalore for the offence under Section 406 and 420 of IPC is quashed/discharged.

6. Likewise the Petitioner/Accused has undertaken to pursue his wife to withdraw the private complaint filed by her against the Respondent/Complainant in PCR



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No.5283/2021 pending on the file of 37th ACMM, Bangalore.

7. The Respondent/Complainant further assures the Petitioner/Accused that he has no cheque leaves except the cheque stated above and further he makes it very clear that the Petitioner/Accused is not at all liable to pay any amount in respect of any other claim except the cheque amount agreed by the Petitioner/Accused in this joint memo.

8. In view of the above settlement, the Respondent/Complainant hereby withdraws the present complaint filed by him under Section 138 of the Negotiable Instruments Act before the SCCJ & ACMM, Bengaluru in CCNo.1563/2018 and he has no objection for dismissal of the said complaint as withdrawn.

WHEREFORE, it is prayed that in view of the terms and conditions of this joint memo the order of conviction passed by the LXV Addl.City Civil & Sessions Judge (CCH-66) at Bengaluru in Criminal Appeal No.183/2022 dated 16-06-2026 confirming the order passed by the SCCJ & ACMM, Bengaluru in CC No.1563/2018 dated 13-01-2022 convicting the petitioner to pay total fine amount of Rs.25,10,000/- may kindly be set aside in the interest of justice and release the Petitioner/Accused from the Judicial Custody in the interest of justice and equity."

5. The respondent has also filed an application under Section 147 of the Negotiable Instruments Act, 1881, seeking to set aside the judgment of conviction and sentence passed by the Trial Court and confirmed by the First Appellate Court.



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6. In view of the settlement arrived at between the parties, the judgment of conviction and sentence passed by the Courts below is hereby set aside.

7. The Trial Court is directed to release the amount in deposit in favour of the respondent, upon proper identification.

8. Since the petitioner is in judicial custody, the concerned authorities are directed to release the petitioner/accused forthwith, if he is not required in any other case.

9. Accordingly, the petition stands disposed of.

10. Pending IAs, if any, stand disposed of.

11. The Registry is directed to send a copy of this order to the concerned Prison Authorities, by fax, forthwith.

**Sd/-
(VENKATESH NAIK T)
JUDGE**

TMP_List No.: 1 SI No.: 3