



CNR: KAHC010576392026

NC: 2026:KHC:46780
CRL.RP No. 1317 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE VENKATESH NAIK T
CRIMINAL REVISION PETITION NO.1317 OF 2026

BETWEEN:

SRI M.P. MONNAPPA
S/O LATE MACHANADA PEMMAIAH,
AGED ABOUT 53 YEARS,
RESIDING AT T. SHETTIGERI VILLAGE AND POST,
PONNAMPET TALUK,
KODAGU DISTRICT.

...PETITIONER

(BY SRI K.M. SUBAIR, ADVOCATE)

AND:

SRI K.A. SALIHA
S/O AHAMAD HAJI,
RESIDING AT KOLAKERI VILLAGE AND POST,
MADIKERI TALUK,
KODAGU DISTRICT - 571 214.

...RESPONDENT

* * *

THIS CRIMINAL REVISION PETITION IS FILED UNDER SECTION 397 READ WITH SECTION 401 OF THE CODE OF CRIMINAL PROCEDURE, 1973, PRAYING TO SET ASIDE THE JUDGMENT DATED 17.06.2026 PASSED BY THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, KODAGU-MAKIDERI, SITTING AT VIRAJPET, IN CRIMINAL APPEAL NO.5038 OF 2025.

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

Digitally signed
by
NAGARATHNA
M
Location: High
Court of
Karnataka





CNR: KAHC010576392026

CORAM: HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL ORDER

The petitioner has preferred this revision petition under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973, praying to set aside the judgment dated 17-6-2026 passed by the II Additional District and Sessions Judge, Kodagu-Madikeri, Sitting at Virajpet, in Criminal Appeal No.5038 of 2025.

2. Learned counsel for the petitioner has filed a memo seeking permission of this Court to convert this criminal revision petition into criminal appeal.

3. The contents of memo reads as under:

**"MEMO FOR CONVERSION OF CRIMINAL
REVISION PETITION INTO CRIMINAL
APPEAL**

*The Petitioner above named respectfully
submits as follows:*

*1. The above Criminal Revision Petition has
been filed in respect of a case arising out of a*



CNR: KAHC010576392026

complaint filed under Section 138 of the Negotiable Instruments Act, 1881.

2. The Petitioner herein is the original Complainant and the Respondent herein is the original Accused in the said proceedings.

3. The learned Trial Court, after considering the evidence and material on record, was pleased to convict the Accused for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

4. Aggrieved by the judgment of conviction, the Accused preferred an appeal before the learned Appellate Court. The learned Appellate Court was pleased to allow the appeal and acquit the Accused, thereby setting aside the judgment of conviction passed by the learned Trial Court.

5. The Petitioner, being the original Complainant, is aggrieved by the judgment of acquittal passed by the learned Appellate Court and seeks to challenge the same before this Hon'ble Court.



CNR: KAHC010576392026

6. *The present proceedings have been registered as Criminal Revision Petition No.1317/2026, classified under 397 Cr.P.C./438 BNSS. However, having regard to the nature of the case and the fact that the judgment under challenge is an order of acquittal passed in a prosecution under Section 138 of the Negotiable Instruments Act, 1881, appropriate remedy available to the Petitioner is by way of a Criminal Appeal.*

7. *The Petitioner further submits that the provision relating to appeal against acquittal by a complainant in a complaint case is contained under Section 378(4) of the Code of Criminal Procedure, 1973, corresponding to Section 419(4) of the Bharatiya Nagarik Suraksha Sanhita, 2023.*

8. *In view of the above circumstances, the Petitioner submits that the present Criminal Revision Petition is required to be converted and reclassified as a Criminal Appeal so as to enable the Petitioner to challenge the judgment of acquittal passed by the learned Appellate*



CNR: KAHC010576392026

Court under the appropriate appellate jurisdiction of this Hon'ble Court.

9. The Petitioner submits that the present Memo is filed bona fide and in the interest of justice, and that no prejudice would be caused to the Respondent if the present proceedings are permitted to be converted and reclassified as a Criminal Appeal.

WHEREFORE, The Petitioner most respectfully prays that this Hon'ble Court may be pleased to permit the Petitioner to convert and reclassify the present Criminal Revision Petition No.1317/2026 into a Criminal Appeal against the judgment of acquittal passed by the learned Appellate Court in the proceedings arising out of Section 138 of the Negotiable Instruments Act, 1881 and direct the Registry to carry out the necessary consequential amendments and reclassification of the present proceedings and register the same as a Criminal Appeal under the appropriate provision of law and pass such other order or orders as this Hon'ble Court deems fit in the interest of justice and equity."



CNR: KAHC010576392026

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CRL.RP No. 1317 of 2026

4. Memo is taken on record. Prayer, as sought for, is hereby granted.

Accordingly, the criminal revision petition is ***disposed off*** for statistical purpose.

Registry is directed to return the certified copy of the annexed documents to the learned counsel for the petitioner, forthwith.

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

KVK
List No.: 1 Sl No.: 1