



CNR: KAHC010665482025

NC: 2026:KHC:39191
CRL.RP No. 1519 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JULY, 2026

BEFORE

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

CRIMINAL REVISION PETITION NO. 1519 OF 2025

BETWEEN:

SRI B V RAVINDRA
S/O VEERAKESARI NAIK
AGED ABOUT 55 YEARS
R/AT NO.9, 5TH A-MAIN,
NEAR RAMANNA CIRCLE,
YADAVAGIRI,
MYSORE-20

...PETITIONER

(BY SRI. MAHESHA M, ADVOCATE)

AND:

SMT. SUSHEELA R
W/O S.SHAMASUNDRA,
AGED ABOUT 66 YEARS,
R/AT NO.126/A, 2ND MAIN,
YADAVAGIRI EXTENSION,
MYSORE-20

...RESPONDENT

(BY SRI. AGNIHOTRI KESHAV RANGANATHACHAR, 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 SAME
REMINDED OR ACQUIT THE PETITIONER HEREIN FROM THE

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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JUDGMENT DATED 11.09.2025 VI ADDL. DISTRICT AND SPECIAL JUDGE, MYSORE IN CRL.A.NO.205/2023 IS HEREBY CONFIRMED AND LOWER COURT THE JUDGMENT DATED 16.05.2023 PASSED BY THE PRL. CIVIL JUDGE AND JMFC AT MYSORE IN CC.NO.2767/2021.

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.

2. Heard the learned counsel for revision petitioner and the learned counsel for respondent.

3. The factual matrix of the case of complainant before the trial Court are that the complainant and accused were well known to each other for several years. On that acquaintance, in the month of January, 2021 the accused borrowed a sum of Rs.35,00,000/- (Rupees Thirty Five lakhs only) for his legal necessity agreeing to repay the same within 4 months. Even after four months, the



accused did not repay the said loan amount. Finally, to discharge his legal liability, the accused has issued cheque for Rs.35,00,000/- in favour of complainant. When the said cheque was presented by the complainant for encashment, the same was returned with an endorsement 'funds insufficient'. Thereafter, the complainant issued legal notice to the accused on 17.06.2021 and the same was duly served on accused on 18.06.2021 but untenable reply was sent on 25.06.2021 through his counsel. In spite of service of notice, the accused did not comply the demand. Hence, the complainant filed complaint against accused for the offence punishable under Section 138 of Negotiable Instruments Act, 1881 (hereinafter referred to as 'N.I. Act' for short). The cognizance was taken, accused was secured and he pleaded not guilty and claims trial.

4. In order to prove the case of complainant, she got examined as P.W.1 and got marked documents as Exs.P1 to P9. Thereafter, the accused was subjected to



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recording of statement under Section 313 of Cr.P.C. and denied the incriminating evidence found on record. During cross examination of P.W.1, on confrontation by defence, 3 documents were marked as Exs.D1 to D3. In order to prove his defence, accused examined himself as D.W.1 and got marked documents as Exs.D4 to D16. The trial Court by considering the evidence of D.W.1 in paragraph No.17 and also the documents which have been produced in paragraph Nos.18 and 19 given the reasoning with regard to the reply at Ex.P9 as well as notice issued by the complainant in terms of Ex.D2 dated 04.07.2021 and in paragraph No.20 taken note of the defence which was taken and the same is not substantiated by placing any evidence before the Court and for having received the amount of Rs.10,00,000/- from husband of complainant also, nothing is placed on record. Further, the accused did not produce any document to show repayment of Rs.6,00,000/- and Rs.3,75,000/- to the husband of complainant. Since the defence was taken that amount



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was repaid, but nothing is placed on record. Therefore, the trial Court having considered both oral and documentary evidence, comes to the conclusion that issuance of cheque is proved and repayment is not proved and defence which was taken is not substantiated and thereby convicted and sentenced the accused.

5. The same is challenged before the appellate Court in Crl.A.No.205/2023. The appellate Court also having reassessed both oral and documentary evidence and considering the grounds which have been narrated in paragraph No.6 and also re-appreciated both oral and documentary evidence, particularly in paragraph No.11. The evidence of P.W.1 and also the document at Exs.P1 to P9 and also the evidence of D.W.1 and documents at Exs.D1 to D3 as well as the defence which was taken and the same is answered by the appellate Court in paragraph No.13 of the judgment of the appellate Court and confirmed the judgment the trial Court. Being aggrieved



by the same, the revision petitioner is before this Court in this revision.

6. The grounds urged before this Court in the revision petition by the counsel appearing for the revision petitioner that both the Courts have failed to consider the evidence which was adduced by accused when he was examined as D.W.1 and revision petitioner has stated that respondent is not an income tax assessee and she has not paid income tax and her savings will not be credited to her bank account and she is not running any other business and such admission was given by D.W.1. The same is not considered by the trial Court and also the appellate Court. Even respondent does not know the occupation and income of the parents of the revision petitioner and she does not have any problem to give the amount through Cheque or any other means and both the Courts committed an error in accepting the case of complainant.



7. Per contra, the counsel appearing for respondent would vehemently contend that when the issuance of cheque is admitted and legal notice was also issued and untenable reply was given in terms of Ex.P9. Subsequently, the complainant was given the notice in terms of Ex.D2. The same was taken note of by the trial Court in paragraph Nos.18 to 20 and reasons given by the trial Court is based on the documentary evidence and also the evidence of P.W.1 and so also the admission on the part of D.W.1 and it does not require any interference.

8. Having considered the submission of counsel appearing for revision petitioner and also the counsel appearing for respondent, the issuance of cheque is not disputed and also the said cheque is marked as Ex.P5 and signature of the accused is also marked as Ex.P5(a). The official memorandum dated 31.12.2019 is also marked and also bank account statement of P.W.1 is marked as Ex.P8 and bank passbook of P.W.1 is marked as Ex.P7 and considered the evidence of D.W.1 also. Further, the bank



statement of D.W.1 is marked as Ex.D4 and also considered for having repaid the amount, nothing is placed on record though defence was taken that transaction is held between the husband of the complainant and accused. When such reasoning is given by the trial Court in paragraph Nos.18 to 20 and case of D.W.1 also considered in paragraph Nos.18 and 19 and reasoning was given in paragraph Nos.19 and 20 regarding the defence which was taken was not substantiated for having made the repayment of Rs.6,00,000/- and also Rs.3,75,000/- to the husband of complainant. The trial Court also comes to the conclusion that neither husband of the complainant nor any other witness about the said transaction who could depose about said transaction is examined by D.W.1. Hence, by considering the reasoning of the trial Court and the appellate Court, I do not find any ground to entertain the revision petition and the judgment of both the trial Court as well as the appellate Court do not suffer from its legality and correctness and only if there is any



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miscarriage of justice in the judgment of the trial Court and appellate Court while considering the evidence, then this Court can exercise its revisional powers. The same is not found. Hence, the revision petition is ***dismissed***.

Sd/-
(H.P.SANDESH)
JUDGE

SSD
List No.: 1 Sl No.: 38