



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8<sup>TH</sup> DAY OF JULY, 2026

BEFORE

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

CRIMINAL REVISION PETITION NO.1542 OF 2024

BETWEEN:

SIDDIQ  
S/O LATE MOHAMMED GAFAR  
AGED ABOUT 53 YEARS  
R/AT NO.1292  
NARASANNANNA AGRAHARA  
NANJANGUD TOWN  
OWENR OF YARAB TRANSPORT  
CINEMA TALKIES ROAD  
NANJANGUD TOWN-571301

...PETITIONER

(BY SRI. HANUMANTHA REDDY Y S, ADVOCATE)

AND:

Digitally signed  
by DEVIKA M  
Location: HIGH  
COURT OF  
KARNATAKA

SRI C PURUSHOTHAMA  
(DEAD BY LRS )

1. SMT. YASHODA N  
W/O LATE SRI C PURUSHOTHAMA  
AGED ABOUT 65 YEARS
2. SRI DEEPAK  
S/O LATE SRI C PURUSHOTHAMA  
AGED ABOUT 44 YEARS
3. SRI SUDARSHAN P  
S/O LATE SRI C PURUSHOTHAMA  
AGED ABOUT 42 YEARS



4. SRI CHIKKANNA P  
S/O LATE SRI C PURUSHOTHAMA  
AGED ABOUT 40 YEARS

SL. NOS.1 TO 4 ALL ARE  
R/AT DEVARASANAHALI VILLAGE  
KASABA HOBLI  
NANJANGUD TALUK-571118

...RESPONDENTS

(BY SRI. P MAHESHA, ADVOCATE)

THIS CRL.RP IS FILED U/S 397 R/W 401 OF CR.P.C  
PRAYING TO SET ASIDE THE JUDGMENT AND ORDER DATED  
07.11.2023 PASSED BY THE LEARNED II ADDL. CIVIL JUDGE  
AND JMFC AT NANJANGUD PASSED IN C.C.NO.1234/2013 AND  
ETC.

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 revision petition is filed against the judgment dated  
07.11.2023 passed in C.C.No.1234/2013 by the Trial Court and  
also against the judgment dated 01.10.2024 passed in  
Crl.A.No.431/2023 by the Appellate Court.

2. This matter is listed for admission. Heard the  
learned counsel appearing for the respective parties.



3. The factual matrix of case of the complainant before the Trial Court while invoking Section 138 of N.I. Act is that both complainant and accused are friends and accused approached the complainant for financial assistance for Rs.4,80,000/- and complainant made the payment of Rs.4,80,000/- on 28.05.2013 and in turn accused had handed over the post-dated cheque for an amount of Rs.4,80,000/- dated 28.06.2013 towards his liability. When the said cheque was presented, the same was returned with an endorsement 'account does not exist". Hence, the complainant issued the legal notice and the same was served on the accused but he neither complied with the notice nor replied to the notice. Hence, a complaint was filed and cognizance was taken and accused was secured before the Court and he did not plead guilty.

4. In order to prove the case of the complainant, he himself examined as PW1 and also examined one witness as PW2 and got marked the documents at Ex.P1 to P16. On the other hand, the accused examined himself as DW1 and not produced any documents in respect of his case. The very



defence of the accused before the Trial Court is that Ex.P1(a) not belongs to him and he also denies the signature found in the vakalath. In paragraph 22, the Trial Court taken note of cross examination of PW1 wherein PW1 totally denies the suggestions of the counsel for the accused. Except denial of signature by the accused, he admits the cheque stating that it belongs to his account. Accused also admits the issuance of notice and no reply was given. Hence, the Trial Court comes to the conclusion that there is no rebuttal evidence and convicted and sentenced the accused.

5. Being aggrieved by the judgment of the Trial Court, an appeal was preferred before the Appellate Court. The Appellate Court also taken note of the grounds which have been urged in the appeal as well as the evidence available on record and also the admission on the part of DW1 that he acknowledges the issuance of notice and also the evidence of PW2 who has been examined before the Trial Court wherein he admits that at present the accused is not having an account in the bank. The Appellate Court also taken note that even the accused had gone to the extent of denying of his own signature



found in the vakalath. All these factors were taken note of by Appellate Court and confirmed the judgment of the Trial Court.

6. Being aggrieved by the concurrent finding of both the Courts, the present revision petition is filed before this Court.

7. The learned counsel for the would vehemently contend that the Trial Court ought to have compared the disputed signature of the accused with that of the admitted signature in order to come to the conclusion whether the cheque was issued by the accused or not. However, no such comparison of the signature was made by the Trial Court before passing an order of conviction against the accused. The counsel also would submit that complainant has not produced any document to prove that he has paid the loan of Rs.4,80,000/- to the accused. The accused also stated that he is not aware of the complainant and the same is not considered. Accused disputed the cheque which was dishonored for the reasons that 'account does not exist'. The Trial Court ought to have appreciated the same. Hence, interference of this Court is required.



8. Per contra, the counsel appearing for the respondent would submit that there were two cases against this petitioner and complainants are different and endorsement issued by the bank is also that account is not in existence. Thus, as on the date of presentation of the cheque, account was not in existence. But cheque belongs to accused only and even the accused had gone to the extent of denying his own signature on the vakalath before the Trial Court. The Trial Court has rightly considered both oral and documentary evidence placed on record. Hence, interference of this Court does not required.

9. Having heard the counsel appearing for the petitioner and also the counsel appearing for the respondent and also on perusal of the material on record, there is no dispute that there were two cases against this petitioner but complainants are different. Also no dispute that the amount in respect of transaction is also to the tune of Rs.4,80,000/-. When the notice was issued, when the cheque was not honored with an endorsement that account was not in existence, accused ought to have given a reply, but no such reply was



given by the accused. Trial Court also taken note of admissions on the part of the petitioner in paragraph 24 wherein he denied his own signature in the vakalath and even he had gone to the extent of denying of signature in Ex.P1 and no reasons are assigned for not replying to the notice. When the notice was served to accused, if really the cheque was not signed by him, he would have given reply immediately. But no such effort was made by the accused. The Appellate Court also having reassessed both oral and documentary evidence placed on record comes to the conclusion that the Trial Court has rightly considered the material on record while convicting the accused. When there is no rebuttal evidence before the Court, the question of entertaining the revision does not arise. Under such circumstances, I do not find that the judgments of Trial Court and Appellate Court suffer from its legality and correctness. Hence, there is no ground to admit the revision petition. Accordingly, the revision petition is dismissed.

**Sd/-**  
**(H.P.SANDESH)**  
**JUDGE**

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