



CNR: KAHC010700912024

NC: 2026:KHC:40439
CRL.RP No. 1587 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

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

CRIMINAL REVISION PETITION NO. 1587 OF 2024

BETWEEN:

1. M/S. S. V. DISTRIBUTORS
2. P. SUMAN KUMAR,
S/O SHESHAGIRI RAO,
AGED ABOUT 44 YEARS,
PARTNER OF M/S. S.V. DISTRIBUTORS,
3. P. HARISH KUMAR,
S/O SHESHAGIRI RAO,
AGED ABOUT 35 YEARS,
PARTNER OF M/S. S.V. DISTRIBUTORS,

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

ALL PETITIONERS ARE
R/AT NO.78, 1ST FLOOR,
GANTIGANAHALLI MAIN ROAD,
YELAHANKA HOBLI,
BANGALORE NORTH TALUK,
BANGALORE - 560 064.

...PETITIONERS

(BY SRI. PUTTASWAMY J, ADVOCATE FOR
SMT. VANITHA DEVI, ADVOCATE)

AND:

SMT. DILKUSH M JAIN
W/O MAHAVEER JAIN,



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PROPRIETOR OF M/S DEV INTERNATIONAL,
NO.2, FIRST CROSS,
MANAVARTHI PET,
M.M. KICHA COMPLEX,
K.V. TEMPLE STREET,
BENGALURU - 560 053.
REP. BY G.P.A. HOLDER,
MAHAVEER M. JAIN,
S/O MOHANLAL,
AGED ABOUT 41 YEARS.

...RESPONDENT

(BY SRI. D. LAKSHMAN, ADVOCATE)

THIS CRL.RP IS FILED U/S. 397 R/W 401 CR.P.C (FILED U/S 438 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING TO SET ASIDE THE JUDGMENTS DATED 07.11.2017 ON THE FILE OF XXII ADDL. CMM, BENGALURU IN C.C.NO.26101/2015 AND CRL.A.NO.1694/2017 PASSED BY THE LXVIII ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY (CCH-69) JUDGMENT DATED 08.08.2023 AND ACQUIT THE PETITIONERS FOR THE OFFENCE P/U/S 138 OF N.I. ACT, 1881.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

1. This revision petition is listed for admission.
2. Heard the counsel appearing for the petitioners and also the counsel appearing for the respondent.



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3. The factual matrix case of complainant before the trial Court that the complainant is running her business under the name and style of 'M/s. Dev International' and she is the dealer of Kenzo belts Menzo fashion accessories. That the accused Nos.2 and 3 are the partners in the company of the accused No.1 and are the distributors and customers of the complainant. That the accused persons from 30.07.2013 to 02.07.2015 have purchased the materials from the complainant and towards the principal amount, they are in due to pay the complainant a sum of Rs.3,06,147.32 paise and towards the interest they are liable to pay a sum of Rs.88,078.36 paise and as the accused persons in respect of tax difference have failed to issue the 'C' Forms are liable to pay the complainant a sum of Rs.89,232.53 paise and in total, the accused are liable to pay a sum of Rs.4,83,458.61 paise to the complainant. The accused persons for the payment of the said amount have issued in favour of the complainant a cheque and when the said cheque was presented, it was dishonored with an endorsement 'funds insufficient'. Notice was issued calling upon the accused to pay the amount and it was returned with a Shara as 'left without



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any instructions' and hence, a complaint was lodged and thereafter cognizance was taken and accused was secured before the trial Court and they claims the trial. Complainant examined himself as PW1 and got marked the documents Exhibits P1 to 14 and also the accused examined himself as DW1 but not produced any document. But only defence was taken that through RTGS they have cleared the entire amount to the complainant and the cheque which was taken Exhibit P2 at the time of business made use of the same. But in order to substantiate the fact that amount was repaid, nothing is placed on record except the oral evidence and no documents are also placed before the Court and not disputed the transaction between the complainant and accused. When specific defence was taken that amount was repaid and even during the course of cross examination of accused No.2 who has been examined as DW2 confronted the 14 invoices issued by the company in favour of the accused and the same is taken note of in paragraph No.10 and invoices were also confronted and though specific defence was taken that payment was made nothing is substantiated and the same is also appreciated by



the first appellate Court having considered the documentary evidence and also the evidence of PW1 and DW1.

4. Now the counsel appearing for the petitioners would vehemently contend that trial Court committed an error in accepting the case of complainant and specific defence which was taken was not accepted by the trial Court and appellate Court also fails to re-appreciate the same and it requires interference.

5. The counsel appearing for the respondent would vehemently contend that the trial Court as well as the first appellate Court considered both oral and documentary evidence and even considered the admission on the part of DW1 when the claim was made that payment was made through RTGS and ought to have produced the document and the same is not produced.

6. Having considered the submissions of the counsel appearing for the petitioners and counsel and also the counsel appearing to the respondent and also when there is no dispute with regard to the transaction between the complainant and



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accused and even during the course of cross examination of DW1, documents of invoices are also confronted to the accused and only defence was that he had repaid the amount by way of RTGS and in order to substantiate that amount was paid by way of RTGS also, no document was placed before the Court except the oral evidence and when such being the case, I do not find any error on the part of trial Court and the appellate Court in considering the material on record and orders not suffer from its legality and correctness and only this Court can entertain the revision petition if any miscarriage is caused by both the Courts and the same is not warranted in the case on hand and hence, revision petition is dismissed as no grounds.

Sd/-
(H.P.SANDESH)
JUDGE

BS
List No.: 1 Sl No.: 33