



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF JULY, 2026

BEFORE

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

CRIMINAL REVISION PETITION NO.1644 OF 2024

BETWEEN:

M/S QUALITY POULTRY FORMS
AND FEEDS
ITS PARTNER
M GANGADHARA SHETTY
AGED ABOUT 52 YEARS
S/O M SUNDARA SHETTY
AT MATANTHABETTU, KODIMBADI POST
PUTTUR, D K DISTRICT - 574 325

...PETITIONER

(BY SRI. H MALATESH, ADVOCATE)

AND:

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

SRI. K S VEDAMURTHY
S/O SHADAKSHARAPPA
AGE MAJOR
M/S SRI SUMUKHA RICE
INDUSTRIES AND ITS PARTNER
R/O CHANNAPURA VILLAGE
MAVALLI POST, KASABA HOBLI
SORABHA TALUK
SHIVAMOGGA DISTRICT-577 429

...RESPONDENT

(BY SRI. MAHESH R UPPIN, ADVOCATE)



THIS CRL.RP IS FILED U/S 397 R/W 401 CR.P.C (U/S 438 R/W 442 BNSS) PRAYING TO SET ASIDE THE JUDGEMENT OF CONVICTION DTD 10.04.2024 PASSED BY THE SENIOR CIVIL JUDGE AND JMFC, SORABHA IN C.C.NO.68/2023 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 10.04.2024 passed in C.C.No.68/2023 by the Trial Court and also against the judgment dated 12.11.2024 passed in Crl.A.No.10037/2024.

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 is that the complainant is the partner of M/s Sumukha Rice Industries, Channapura of Soraba taluk and the accused is the partner of M/s Quality Poultry Forms and Feeds, Kodimbady of Puttur, Dakshina Kannada district.



Both complainant and accused are known to each other because of their business relationship. The complainant has supplied maize worth of Rs.21,96,514/- to the firm of the accused. Though accused had purchased the maize from the complainant, the amount was not paid for one or the other reasons. Towards the liability, accused issued the subject matter of cheques. When the said cheques were presented, all are returned with an endorsement 'funds insufficient'. Thus, the complainant issued a legal notice and the same was served but no reply was given and also did not come forward to make the amount. Hence, complaint was filed and cognizance was taken and accused was secured and he did not plead guilty.

4. In order to prove the case of the complainant, he himself examined as PW1 and got marked the documents at Ex.P1 to P29. Except cross examination of PW1, accused has not led any defence evidence. The Trial Court considering both oral and documentary evidence available on record comes to the conclusion that transaction is proved between the complainant and accused in terms of Ex.P28 and also the



invoices as Ex.P28(f) and financial statement at Ex.P29 and trade receivable list at Ex.P29(a). On behalf of the accused, nothing is placed on record. The Trial Court having considered all these materials held that issuance of cheques are admitted and there is no rebuttal evidence to disprove the case of the complainant placing cogent material. Hence, convicted and sentenced the accused for a period of one year.

5. Being aggrieved by the judgment of the Trial Court, an appeal was preferred before the Appellate Court. The Appellate Court also reassessed both oral and documentary evidence placed on record and also the defence which was taken in the cross examination was taken note of. Having considered the document particularly the document at Ex.P28 comes to the conclusion that there was a transaction between the complainant and the accused. In spite of issuance of these cheques, not honoured the same and taken note that on perusal of Ex.P27, it reveals that the same has been issued to the accused firm in the name of M. Gangadhara Shetty and also taken note of the cause title of



the complaint which reveals that the accused firm is represented through its partner - M Gangadhara Shetty and so also in the cross examination of PW1, it is elicited that other than the accused, there are other partners in the accused firm and they are not made as parties. The said defence was also taken for consideration and comes to the conclusion that cheques were issued by the accused and hence, he is liable to pay the amount 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 appearing for the petitioner would vehemently contend that when other partners were there, they were not prosecuted. The counsel also submits that document of Ex.P28 Bills have not been proved and also counsel would submit that Trial Court fails to take note of both oral and documentary evidence as well as the defence taken in the cross-examination of PW1. Not leading a



defence evidence is not a ground for conviction. Hence, submit that interference of this Court is required.

8. Per contra, the counsel appearing for the respondent would vehemently contend that the accused has not disputed the fact that there was a business transaction between both of them and also details are given with regard to the purchase of maize from the complainant and the same is stated in the complaint. When the cheques are issued, the same are not honoured. The defences which have been taken were answered by the Trial Court. Hence, interference of this Court does not required.

9. Having heard the learned counsel appearing for the respective parties and also on perusal of the material on record, it discloses that there is no dispute that both the complainant and the accused are having acquaintance with each other in view of the business between them. The complainant also produce the documents of Ex.P24-bank slips as well as demand notice; postal receipt and postal acknowledgment as Ex.P25 to P27 and also credit bill book of



the complainant is also marked as Ex.P28 and particular entries are marked as Ex.P28(a) and invoices as Ex.28(f). Even though it is contended by the petitioner counsel that the other partners were not prosecuted, the question of prosecuting the other partners does not arise since this petitioner is an authorised signatory and also issued the cheque on behalf of the firm. When such being the case, the first limb of argument cannot be accepted that other partners have not been made as parties.

10. The other submission of the counsel for the petitioner before the Court is that non-consideration of material available on record. The Trial Court has taken note of the evidence of complainant and documentary evidence. Even though PW1 was cross examined, nothing is elicited with regard to the transaction is concerned and also there is no any rebuttal evidence on behalf of the accused to dispute this transaction and issuance of cheque is also admitted. When such being the case, I do not find any force in the contention of the counsel appearing for the petitioner that documentary evidences are not properly considered since the



Trial Court and Appellate Court having considered the material on record appreciated the same in detail as mentioned above. Under the circumstances, I do not find any ground to entertain the revision petition. Unless the order of the Trial Court and Appellate Court suffers from its legality and correctness, the question of exercising the revisional jurisdiction does not arise. Accordingly, the petition is dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

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