



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JULY, 2026

BEFORE

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

CRIMINAL REVISION PETITION NO.1711 OF 2025

BETWEEN:

1. NAGARAJU H P,
S/O LATE PUTTASWAMY,
AGED ABOUT 27 YEARS,
R/O HUCHCHALAGERE VILLAGE,
KANNALI POST, KASABA HOBLI,
MANDYA TALUK AND DISTRICT-571 401.

...PETITIONER

(BY SRI. HARIPRASAD M.B., ADVOCATE)

AND:

1. SHRI PRUTHVIRAJ H P,
S/O PUTTASWAMY,
AGED ABOUT 30 YEARS,
R/O HUCHCHALAGERE VILLAGE,
KANNALI POST, KASABA HOBLI,
MANDYA TALUK AND DISTRICT-571 401.

...RESPONDENT

(BY SRI. SRIKANTH N.V., ADVOCATE)

THIS CRL.RP IS FILED UNDER SECTION 397 R/W 401 CR.P.C PRAYING TO SET ASIDE THE ORDER DATED 16.10.2025, PASSED IN CRL.A NO.88/2025, ON THE FILE OF THE LEARNED IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, MANDYA IN DISMISSING THE CRIMINAL APPEAL FILED BY THE PETITIONER AND CONFIRMING THE JUDGMENT OF CONVICTION AND SENTENCE DATED 21.04.2025, PASSED IN

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by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



CC NO.1557/2022, ON THE FILE OF THE LEARNED JMFC, MANDYA, FOR THE OFFENCES P/U/S 138 OF N.I ACT 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 matter is listed for admission. Heard the learned counsel for the revision petitioner and the learned counsel for the respondent.

2. This revision petition is filed against the concurrent finding. The Trial Court having considered the admission on the part of D.W.1, observed that though he has denied the transaction, but subsequently he gave the reply, wherein he categorically admitted that he has availed the loan of Rs.3,50,000/-. But he disputed that he had availed the loan of Rs.5,00,000/-. The Trial Court even taken note of multiple transactions between the complainant and the accused. The accused further admitted that he had earlier borrowed a sum of Rs.2,70,000/- from the complainant and had repaid the same by paying Rs.1,61,800/- through PhonePe and the remaining sum of Rs.1,08,200/- in cash. The Trial Court in detail taken



note of the evidence of P.W.1 and D.W.1 and also taken note of the documents Exs.D.1 and 2. Ex.D.1 is the PhonePe chat prior to the present transaction and the same is discussed in paragraph No.18 of the order of the Trial Court. The accused admitted that he has received the amount of Rs.3,50,000/- by way of reply notice. But the very case of the complainant before the Trial Court is that he advanced the amount of Rs.5,00,000/- and not Rs.3,50,000/-. Once the accused admitted the transaction, the burden lies on the accused to prove that it was only for an amount of Rs.3,50,000/- and not for Rs.5,00,000/- and what made him to issue the cheque for an amount of Rs.5,00,000/- is not explained. Taking note of all these factors into consideration, the Trial Court convicted the accused.

3. The Appellate Court also having re-assessed the material available on record, particularly in paragraph No.11, taken note of the evidence of P.W.1 with regard to the suggestion made that he did not advance the amount of Rs.5,00,000/- and the same was categorically denied. The Appellate Court also taken note of the answers elicited from the



mouth of P.W.1 in paragraph No.12 and the evidence of D.W.1, who admitted the facts in the chief examination itself that both of them are known to each other and borrowed sum of Rs.2,70,000/- earlier and repaid the amount and also this transaction is in respect of 2022. Except taking the defence that only an amount of Rs.3,50,000/- was taken, no material is placed on record to prove that he had availed only the amount of Rs.3,50,000/- in 2022 and made the payment and whatever payment he deposed before the Court is prior to the earlier transaction. In order to substantiate this transaction is concerned, no payment is made. But cheque was issued and cheque was also not disputed. When such being the case, presumption is in favour of the complainant and the same is not rebutted by the accused by leading any preponderance of probabilities and cogent evidence. The Appellate Court in paragraph No.16 taken note of the accused admitting the cheque and hence, confirmed the order of the Trial Court.

4. The learned counsel for the revision petitioner would vehemently contend that both the Courts committed an error in not considering the very specific defence taken in the



reply notice as well as the evidence available on record. The grounds which have been urged are with regard to the earlier transaction of Rs.2,70,000/- of 2017. But it is not the contention of the counsel appearing for the revision petitioner that subsequent to the transaction of 2022, made any payment in respect of this transaction is concerned. When such being the case, I do not find any ground to admit the revision petition and both the Courts have taken note of the material available on record and in detail discussed the evidence of P.W.1, D.W.1 and also the documentary evidence placed before the Court with regard to the earlier transaction and payment and for subsequent transaction of 2022, no amount was paid and admittedly, no such payment was made. When the cheque was issued for an amount of Rs.5,00,000/-, the same is not rebutted except taking the defence that he had only availed the amount of Rs.3,50,000/-. Hence, I do not find any ground to admit the revision petition and no ground is made out to entertain the revision petition.

5. In view of the discussions made above, I pass the following:



**NC: 2026:KHC:35051
CRL.RP No. 1711 of 2025**

ORDER

The criminal revision petition is dismissed.

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

MD
List No.: 1 SI No.: 28