



CNR: KAHC010819552025

NC: 2026:KHC:45598
CRL.RP No. 1910 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL REVISION PETITION NO.1910 OF 2025

BETWEEN:

1. B P CHANDAN
S/O PAPANNA (SENDI PAPANNA)
AGED ABOUT 34 YEARS
RESIDING AT HALEBUDANURU VILLAGE
KASABA HOBLI, MADDUR TALUK
MANDYA DISTRICT-571 428.

...PETITIONER

(BY SMT. MEGHA SUNIL, ADVOCATE, FOR SRI G.B. SHARATH GOWDA)

AND:

1. SANTHOSH KUMAR C D
S/O DODDATHIMMEGOWDA
AGED ABOUT 44 YEARS
RESIDING AT CHIKKONAHALLI VILLAGE
KOPPA HOBLI, MADDUR TALUK
MANDYA DISTRICT-571 428.

...RESPONDENT

(BY SRI ANANDA K., ADVOCATE)

THIS CRIMINAL REVISION PETITION IS FILED UNDER SECTION 397 READ WITH SECTION 401 OF THE CODE OF CRIMINAL PROCEDURE, 1973, PRAYING TO SET ASIDE THE JUDGMENT OF CONVICTION AND ORDER ON SENTENCE DATED 20.06.2024 PASSED IN CRIMINAL CASE NO.123 OF 2021 ON THE FILE OF THE PRINCIPAL CIVIL JUDGE AND JUDICIAL MAGISTRATE FIRST CLASS, MADDUR TALUK, MANDYA, AND TO SET ASIDE THE JUDGMENT DATED 23.07.2025 PASSED IN CRIMINAL APPEAL NO.114 OF 2024 ON THE FILE OF THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, MANDYA.

Digitally signed
by
NAGARATHNA
M
Location: High
Court of
Karnataka



CNR: KAHC010819552025

NC: 2026:KHC:45598
CRL.RP No. 1910 of 2025

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

CORAM: HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL ORDER

Heard Smt. Megha Sunil, learned counsel appearing for Sri G.B. Sharath Gowda, learned counsel for the petitioner, and Sri Ananda K., learned counsel for the respondent.

2. The petitioner-accused has preferred this criminal revision petition under Section 397 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') praying to set aside the judgment of conviction and order on sentence dated 20.06.2024 passed by the Principal Civil Judge and Judicial Magistrate First Class, Maddur, which is upheld by the IV Additional District and Sessions Judge, Mandya, in Criminal Appeal No.114 of 2024 dated 23.07.2025, wherein both the Courts passed concurrent findings against the accused and convicted the accused for the offence punishable



CNR: KAHC010819552025

under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as 'N.I. Act', for short) and sentenced him to pay a fine of Rs.4.05 lakh with default sentence.

3. For the sake of convenience, the parties herein are referred to as per their rankings before the trial Court. The petitioner is the 'accused' and the respondent is the 'complainant' before the trial Court.

4. The brief facts of the case are as under:

The complainant filed a private complaint under Section 200 of the Cr.P.C. for the offence punishable under Section 138 of the N.I. Act against the accused contending that on 20.07.2020, the accused borrowed a sum of Rs.4.00 lakh from the complainant for discharge of his hand loans and domestic expenses and in consideration thereof, the accused issued a cheque, bearing No.458528 dated 22.09.2020 for a sum of Rs.4.00 lakh, drawn on



CNR: KAHC010819552025

Vijaya Bank, Koppa Branch, Maddur Taluk, Mandya, On presentation of the said cheque for encashment, the cheque was dishonoured for 'funds insufficient'. Therefore, on 31.10.2020, the complainant issued a legal notice to the accused calling upon him to pay the amount due under the cheque, however, the accused failed to pay the amount due under the cheque. Hence, the complainant filed the private complaint.

5. After institution of the complaint, the trial Court recorded the sworn statement of the complainant, took cognizance under Section 190(1)(a) of the Cr.P.C., secured the presence of the accused and recorded the plea of the accused, the accused pleaded not guilty and claimed to be tried.

6. The complainant, in order to prove his case, examined himself as PW1 and got marked six documents as per Exs.P1 to P6. In order to rebut the claim of the



CNR: KAHC010819552025

complainant, the accused neither led any defence evidence nor marked any documents.

7. On the basis of the oral and documentary evidence, the trial Court convicted the accused for the offence punishable under Section 138 of the N.I. Act and sentenced him to pay a fine of Rs.4.05 lakh and in default to pay the fine amount, to undergo simple imprisonment for a period of six months.

8. Aggrieved by the judgment of conviction and order on sentence passed by the trial Court, the accused preferred an appeal in Criminal Appeal No.114 of 2024 before the learned IV Additional District and Sessions Judge, Mandya, and in turn, the First Appellate Court confirmed the judgment of conviction and order on sentence passed by the trial Court.



CNR: KAHC010819552025

9. Aggrieved by the concurrent findings passed by the trial Court as well as the First Appellate Court, the accused has filed this revision petition.

10. Learned counsel for the petitioner-accused has contended that the judgment of conviction and order on sentence passed by the First Appellate Court and the trial Court are erroneous. He has contended that the complainant has not complied with the requirements of Section 139 of the N.I. Act. Further, the complainant had no financial capacity to lend his own amount and there was no legally enforceable debt. He has further contended that the trial Court has not awarded fair opportunity to the accused to cross-examine PW1, which constitute a gross violation of principle of natural justice and inability of the accused to cross-examine PW1 was neither intentional nor deliberate one and that denial of such opportunity has caused irreparable harm to the accused. On all these



CNR: KAHC010819552025

NC: 2026:KHC:45598
CRL.RP No. 1910 of 2025

grounds, the learned counsel prays to allow the revision petition.

11. Learned counsel for the respondent-complainant has contended that the petitioner-accused has admitted issuance of cheque-Ex.P1, contents of the cheque and service of legal notice on him. Therefore, the trial Court and the First Appellate Court have rightly convicted the petitioner. Hence, the learned counsel prays to dismiss the revision petition.

12. On the basis of the submissions made by the parties to the *lis*, the following point would arise for consideration of this Court:

Whether the petitioner-accused proved that the judgment of conviction and order on sentence passed by the trial Court and confirmed by the First Appellate Court are perverse and calls for interference by this Court?



CNR: KAHC010819552025

13. Admittedly, the complainant filed a private complaint under Section 200 of the Cr.P.C. against the accused for the offence punishable under Section 138 of the N.I. Act and in order to substantiate the contention of the complainant, the complainant examined himself as PW1 and got marked six documents. Ex.P1 is the cheque, Ex.P1(a) bears the signature of the accused, Exs.P2 and P3 are the Bank endorsements, Ex.P4 is the legal notice, Ex.P5 is the postal receipt and Ex.P6 is the postal cover.

14. A perusal of the order-sheet maintained by the trial Court clearly demonstrates that the petitioner-accused took seventeen adjournments and twice, PW1 was recalled for cross-examination at the instance of the accused. Therefore, the accused was given sufficient opportunities to cross-examine PW1, however, he did not cross-examine PW1. Therefore, the trial Court rightly closed the cross-examination of PW1 and posted the matter for defence evidence. Further, when the trial Court



CNR: KAHC010819552025

posted the matter for defence evidence on five occasions, the accused failed to tender any evidence on his behalf and did not subject himself to examination on oath. Therefore, the trial Court proceeded to pronounce the judgment after recording the statement of the accused under Section 313 of the Cr.P.C. There is no illegality in procedure followed by the trial Court. The trial Court has given fair and enough opportunities to the accused. Thus, the contention of the learned counsel for the petitioner, that there is violation of principle of natural justice and no fair opportunity was given to the accused to cross-examine PW1, cannot be accepted.

15. When execution of the negotiable instruments, passing of consideration and signature found on Ex.P1- cheque is admitted, the Court may draw presumption under Sections 118 and 139 of the N.I. Act in favour of the holder of the negotiable instrument. Therefore, the trial



CNR: KAHC010819552025

Court rightly drew presumption under Section 139 of the N.I. Act.

16. Further, the "scope of revision" refers to the limited authority of a higher Court to review judgment of the trial Court and the First Appellate Court, focusing on correcting errors in jurisdiction or gross legal/factual flaws rather than re-examining the merits of the case. This power is exercised sparingly and is intended to set right a patent defect, not to function as an automatic second appeal. The specific grounds and limitations vary between civil and criminal proceedings. Revisions can address situations where the decision is grossly inaccurate, not supported by evidence, or where relevant evidence was ignored. The review is not a fresh trial. Courts are generally barred from re-examining evidence or substituting their own judgment for the lower Court's on matters of fact unless the findings are demonstrably perverse or arbitrary. The Hon'ble Apex Court has



CNR: KAHC010819552025

NC: 2026:KHC:45598
CRL.RP No. 1910 of 2025

discussed the applicability and scope of revision in various decisions, which are highlighted hereunder:

A. The Hon'ble Apex Court in the case of **MUNNA DEVI v. STATE OF RAJASTHAN AND ANOTHER** reported in **(2001) 9 SCC 631**, while discussing the scope of Section 397 of the Cr.P.C., at paragraph No.3, has held as under:

"3. xxx xxx xxx. The revision power under the Code of Criminal Procedure cannot be exercised in a routine and casual manner. While exercising such powers the High Court has no authority to appreciate the evidence in the manner as the trial and the appellate courts are required to do. Revisional powers could be exercised only when it is shown that there is a legal bar against the continuance of the criminal proceedings or the framing of charge or the facts as stated in the first information report even if they are taken at the face value and accepted in their entirety



CNR: KAHC010819552025

NC: 2026:KHC:45598
CRL.RP No. 1910 of 2025

do not constitute the offence for which the accused has been charged."

B. The Hon'ble Apex Court in the case of **STATE OF TAMIL NADU v. R. SOUNDIRARASU AND OTHERS** reported in **(2023) 6 SCC 768**, at paragraph No.79, has held as under:

"79. Thus, the revisional power cannot be exercised in a casual or mechanical manner. It can only be exercised to correct manifest error of law or procedure which would occasion injustice, if it is not corrected. The revisional power cannot be equated with the appellate power. A Revisional Court cannot undertake meticulous examination of the material on record as it is undertaken by the trial court or the appellate court. This power can only be exercised if there is any legal bar to the continuance of the proceedings or if the facts as stated in the charge-sheet are taken to be true on their face value and accepted in their entirety do not constitute the offence for which



CNR: KAHC010819552025

NC: 2026:KHC:45598
CRL.RP No. 1910 of 2025

the accused has been charged. It is conferred to check grave error of law or procedure."

C. Further, the Hon'ble Apex Court in the case of **STATE OF MAHARASHTRA v. SUJAY MANGESH POYAREKAR** reported in **(2008) 9 SCC 475**, at paragraph No.16, has held as under:

"16. xxx xxx xxx. Now it is well settled that revisional jurisdiction can be exercised sparingly and only in exceptional cases. A Revisional Court cannot convert itself into a regular court of appeal."

17. Therefore, the revisional jurisdiction should normally be exercised in exceptional cases when there is a glaring defect in the proceedings or a manifest error of law resulting in a flagrant miscarriage of justice. In the instant case, the accused has failed to establish the existence of any such glaring defect in the proceedings or manifest error of law warranting interference in the exercise of revisional jurisdiction.



CNR: KAHC010819552025

NC: 2026:KHC:45598
CRL.RP No. 1910 of 2025

18. In view of the facts, circumstances and the decision cited supra, in the instant case, the accused has not placed any rebuttal evidence. In the absence of rebuttal evidence, the accused has failed to prove the non-existence of liability.

19. The trial Court as well as the First Appellate Court rightly appreciated the oral and documentary evidence and proceeded to convict the accused for the offence punishable under Section 138 of the N.I. Act. Therefore, there is no error or illegality committed by the Courts below to interfere by this Court. Accordingly, the revision petition is ***dismissed***.

20. In view of the dismissal of the revision petition, pending interlocutory applications, if any, shall stand dismissed.



CNR: KAHC010819552025

**NC: 2026:KHC:45598
CRL.RP No. 1910 of 2025**

Registry is directed to send back the trial Court record with a copy of this order, forthwith.

**Sd/-
(VENKATESH NAIK T)
JUDGE**

KVK
List No.: 1 Sl No.: 25