IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE V SRISHANANDA

CRIMINAL REVISION PETITION NO. 432 OF 2023

BETWEEN:

SRI. K.V. NANJUNDASWAMY
S/O LATE VENKATAPPA @ VISHAKANTAPPA,
AGED ABOUT 64 YEARS,
R/AT NO. 905/98,
4TH MAIN, 6TH CROSS,
VIDYARANYAPURAM, MYSURU - 571 602.

...PETITIONER

(BY SMT. BHAVYA R., ADVOCATE FOR
SRI. RAJU C.N., ADVOCATE)

AND:

Digitally signed by ANJALI M
Location: High Court of Karnataka

SRI. H.M. MURUGESHA
S/O LATE CHENNASWAMAPPA,
AGED ABOUT 48 YEARS,
R/AT NO. 905/132A,
4TH MAIN, 3RD CROSS,
VIDYARANAYAPURA, MYSURU 571 107.

...RESPONDENT

(BY SRI. P. NATARAJU, ADVOCATE)

THIS CRL.RP IS FILED U/S.397 R/W 401 OF CR.P.C PRAYING TO SET ASIDE THE JUDGMENT OF CONVICTION PASSED IN C.C.NO.104/2020 DATED 12.05.2022 ON THE FILE OF THE Vth JMFC MYSURU AND IN CRL.A.NO.170/2022 DATED 29.11.2022 ON THE FILE OF THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, MYSURU FOR THE OFFENCE P/U/S.138 OF NI ACT BY ALLOWING THIS PETITION.

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

CORAM: HON'BLE MR JUSTICE V SRISHANANDA

ORAL ORDER

A memo is filed on behalf of the revision petitioner.

2. The learned counsel for the respondent has endorsed no objection on the memo.

3. The memo dated 19.12.2024, reads as under:

> "The petitioner submits that both the court below have been convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and to pay fine of Rs.5,000/- and awarded compensation of Rs.1,55,000/- (One Lakh fifty five Thousand). The petitioner has deposited 50% of the amount before the trial court. The petitioner undertakes that he will pay the remaining amount within 6 months from the date of the order to the respondent. By allowing this memo in the interest of justice."

4. Placing the memo on record, revision petition stand disposed of.

5. It is made clear that the amount of compensation as agreed in the memo if not paid, the order of the trial magistrate confirmed by the first appellate court stands restored automatically.

6. The amount in deposit is ordered to be withdrawn by the complainant under due identification.

7. After the payment of the entire compensation amount agreed in the memo, the fine amount of Rs.5,000/- imposed by the trial magistrate confirmed by the first appellate court towards the defraying expenses of the State, stands set aside.

Sd/-
(V SRISHANANDA)
JUDGE

SS
List No.: 1 Sl No.: 43