IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 20TH DAY OF MARCH, 2025

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

CRIMINAL APPEAL NO.100519 OF 2022

BETWEEN:

ASGHAR KHAN S/O. AKTHAR KHAN,
AGE: 49 YEARS, OCC: PARTNER OF ARSHAD EXPORTS,
R/O: OPP. V.N.COLLEGE GROUND,
SHANTI NAGAR, HOSAPETE,
DIST: VIJAYANAGARA, PIN: 583 201.

...APPELLANT

(BY SRI M.S.PATIL AND SRI G.M.PATIL, ADVOCATES (**ABSENT**))

AND:

1. B. C. INFRASTRUCTURE & RESOURCE COMPANY,
   RESOURCE COMPANY REPRESENTED
   BY ITS MANAGING PARTNER ANIL C. RAJASHEKAR,
   R/O: DOOR NO.7, 25TH WARD,
   5TH CROSS, OLD AIRPORT ROAD,
   VIDYANAGARA, BALLARI – 583 101.

2. ANIL C. RAJASHEKAR,
   AGE: 49 YEARS, AUTHORISED SIGNATORY FOR
   B.C.INFRASTURCTURE AND RESOURCE COMPANY,
   R/O: DOOR NO.7, 25TH WARD,
   5TH CROSS, OLD AIRPORT ROAD,
   VIDYANAGARA, BALLARI – 583 101.

...RESPONDENTS

(NOTICE TO R1 AND R2 ARE HELD SUFFICIENT)

Digitally signed by MOHANKUMAR B SHELAR
Location: High Court of Karnataka, Dharwad Bench, Dharwad

THIS CRIMINAL APPEAL IS FILED U/S 378(4) OF CR.P.C., 1973, SEEKING TO CALL FOR THE RECORDS IN C.C.NO.2006/2014 ON THE FILE OF THE LEARNED ADDITIONAL CIVIL JUDGE AND JMFC, HOSAPETE AND TO SET ASIDE THE JUDGMENT AND ORDER DATED 24.08.2022 PASSED BY THE LEARNED ADDITIONAL CIVIL JUDGE AND J.M.F.C., HOSAPETE IN C.C.NO.2006/2014 ACQUITTING THE RESPONDENTS FOR OFFENCE PUNISHABLE UNDER SECTION 138 OF NEGOTIABLE INSTRUMENTS ACT, 1881, CONSEQUENTLY ALLOW THE PRESENT CRIMINAL APPEAL AND CONVICT THE ACCUSED FOR OFFENCE PUNISHABLE UNDER SECTION 138 OF NEGOTIABLE INSTRUMENTS ACT, 1881, IN THE INTEREST OF JUSTICE.

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

CORAM: THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL ORDER

Learned counsel for the appellant is not present. There is no representation for the appellant. Learned counsel for the appellant was also absent on 06.03.2025 and on that day, the Court passed the following order:

> *"Learned counsel for the appellant was not present. The matter was passed over. The matter was again taken up. The learned counsel for the appellant is not present. There is no representation on appellant's side. However, to give another opportunity, the matter is adjourned as last chance.*
>
> *List on 20.03.2025."*

2. In spite of granting an opportunity, learned counsel for the appellant has not appeared and argued the matter. It appears that the appellant is not interested in prosecuting the appeal.

3. Hence, the appeal is dismissed for non-prosecution.

SD/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

Kmv
CT-ASC