HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

CRIMINAL APPEAL NO. 96 OF 2022 (A)
C/W
CRIMINAL APPEAL NO. 98 OF 2022
CRIMINAL APPEAL NO. 109 OF 2022

IN CRL.A No. 96/2022

BETWEEN:

H V NAGARAJ
S/O. LATE. VENKATARAYAPPA,
AGED ABOUT 61 YEARS
R/O KOTHAKOTE VILLAGE,
PARAGODU GRAMA PANCHAYATH,
KASABA HOBLI,
BAGEPALLI TALUK,
CHIKKABALLAPURA - 561 207.

...APPELLANT

(BY SRI. MAHESH S., ADVOCATE FOR
SRI. NAGABHUSHANA REDDY K.,ADVOCATE)

Digitally signed by SUMA B N
Location: HIGH COURT OF KARNATAKA

AND:

THIMMAIAH
S/O. THIMMEGOWDA,
AGED ABOUT 62 YEARS,
R/AT NO. 3, 2ND CROSS,
CL RAMIAHA LAYOUT,
SHAMPURA MAIN ROAD,
BANGALORE - 560 032.

AND ALSO R/AT
SUPER GOOD BAZAR,
NO. 32, SS COMPLEX,
2ND MAIN ROAD,
NEAR VYBHAV THEATRE,
SANJAY NAGAR MAIN ROAD,
NGEF LAYOUT,
BANGALORE - 560 094.

…RESPONDENT

(BY SRI. HITHESH KUMAR B.J. ADVOCATE FOR
SRI. ADITYA D.,ADVOCATE)

THIS CRL.A. IS FILED U/S.378(4) CR.P.C PRAYING TO SET ASIDE THE JUDGMENT AND ORDER DATED 13.01.2021 IN C.C.NO.65/2012 OF THE LEARNED CIVIL JUDGE AND JMFC, BAGEPALLI AND CONVICT THE RESPONDENT/ACCUSED OF THE ALLEGED OFFENCE.

IN CRL.A NO. 98/2022

BETWEEN:

H N MADHURAJ
S/O. H V NAGARAJ,
AGED ABOUT 34 YEARS
R/O. KOTHAKOTE VILLAGE,
PARAGODU GRAMA PANCHAYATH,
KASABA HOBLI,
BAGEPALLI TALUK,
CHIKKABALLAPURA 561207

...APPELLANT

(BY SRI. MAHESH S., ADVOCATE FOR
SRI. NAGABHUSHANA REDDY K.,ADVOCATE)

AND:

T THIMMAPPA
S/O. THIMMEGOWDA,
R/AT NO. 3, 2ND CROSS,

CL RAMIAHA LAYOUT,
SHAMPURA MAIN ROAD,
BANGALORE 560 032.

AND ALSO
R/AT SUPER GOOD BAZAR,
NO. 32, SS COMPLEX,
2ND MAIN ROAD,
NEAR VYBHAV THEATRE,
SANJAY NAGAR MAIN ROAD,
NGEF LAYOUT,
BANGALORE - 560 094.

...RESPONDENT

(BY SRI. HITHESH KUMAR B.J., ADVOCATE FOR
SRI. ADITHYA D.,ADVOCATE)

THIS CRL.A. IS FILED U/S.14(A) (2) OF SC/ST (POA) ACT, 2015 PRAYING TO SET ASIDE THE JUDGMENT AND ORDER DATED 13.01.2021 IN C.C.NO.402/2011 OF THE LEARNED CIVIL JUDGE AND JMFC, BAGEPALLI AND CONVICT THE RESPONDENT/ACCUSED FOR THE ALLEGED OFFENCE AND ALLOW THIS APPEAL.

IN CRL.A NO. 109/2022

BETWEEN:

H V NAGARAJ
S/O LATE VENKATARAYAPPA
AGED ABOUT 64 YEARS
R/A KOTHAKOTE VILLAGE
PARAGODU GRAMA PANCHAYATH
KASABA HOBLI , BAGEPALLI TALUK
CHIKKABALLAPURA - 561 207.

...APPELLANT

(BY SRI. MAHESH S., ADVOCATE FOR
SRI. NAGABHUSHANA REDDY K.,ADVOCATE)

AND:

SMT. SHAKUNTHALA
W/O THIMMAIAH
AGED ABOUT 51 YEARS
R/A No. 03, 2ND CROSS
C L RAMAIAH LAYOAUT
SHAMAPURA MAIN ROAD
BANGALORE - 560 032.

AND ALSO RESIDING AT
SUPER GOOD BAZAR NO. 32
SS COMPLEX, 2ND MAIN ROAD
NEAR VYBHAV THEATRE
SANJAY NAGAR MAIN ROAD
NGEF LAYOUT
BANGALORE - 560 094.

...RESPONDENT

(BY SRI. HITHESH KUMAR B.J., ADVOCATE FOR
SRI. ADITHYA D.,ADVOCATE)

THIS CRL.A IS FILED U/S.378(4) CR.P.C BY THE ADVOCATE FOR THE APPELLANT PRAYING THAT THIS HONBLE COURT MAY BE PLEASED TO SET ASIDE THE JUDGMENT AND ORDER DATED 13.01.2021 IN C.C.NO.429/20211 OF THE LEARNED CIVIL JUDGE AND J.M.F.C AT BAGEPALLI AND CONVICT THE RESPONDENT / ACCUSED FOR THE ALLEGED OFFENCE P/U/S 138 OF THE N.I ACT.

THESE APPEALS, COMING ON FOR FURTHER HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL JUDGMENT

Sri. Mahesh, learned counsel along with Sri. Nagabushan Reddy, learned counsel for the appellant after arguing the matter for sometime, submitted that pursuant to the joint memo dated 16.07.2018, which was filed in C.C.Nos.429/2011, 402/2011, 65/2012 before the Lokadalat, dispute has been resolved.

2. In terms of the joint memo, the respondent had agreed to pay a sum of Rs.35,00,000/- in respect of 4 cases, out of which Rs.5,00,000/- was already paid.

3. It is also submitted that the amount of Rs.35,00,000/- which was agreed was towards full and final settlement of 4 cases subject matter of C.C.Nos.429/2011, 402/2011, 65/2012 and 30935/2011, subject matter of Criminal Appeal No.1063/2016.

4. Thus there is no payment to be made by the accused in respect of any other transaction.

5. It is further submitted that in furtherance to the aforesaid settlement sum of Rs.3,00,000/- which was deposited by the accused in respect of Criminal Appeal No.1063/2016 is

still lying before the trial Court and if the appellant is permitted to withdraw the said amount, the purpose of the petition shall be served.

6. Learned counsel for the respondent has no objection for the same.

7. The said submissions are taken on record.

8. Petition is accordingly ***disposed of*** with liberty to the petitioner to withdraw the amount of Rs.3,00,000/-, which is stated to have been deposited by the accused in Criminal Appeal No.1063/2016.

9. Parties have reported their satisfaction on the settlement.

Sd/-
(M.G.S. KAMAL)
JUDGE

RL
List No.: 1 Sl No.: 31