NC: 2026:KHC:21595
CRL.RP No. 399 of 2026

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL REVISION PETITION NO. 399 OF 2026

BETWEEN:

MR. ABDUL JABBAR HIJABBA @ ABDUL HAMEED
S/O B. K. IJJABBA,
RESIDING AT D. NO.7-119E/1,
7TH BLOCK
AGED ABOUT 63 YEARS
KRISHNAPURA, SURATHKAL POST,
MANGALORE TALUK,
D. K. DISTRICT

...PETITIONER

(BY SRI. RAGHAVENDRA SHENOY M., ADVOCATE)

AND:

MR. K. MANSOOR ALI
S/O PUTHABBA ABDUL KHADER
AGED ABOUT 63 YEARS
RESIDING AT D.NO.7-109,
SITE NO. 349, AL-RAYYAN MANSION,
7TH BLOCK, KRISHNAPURA,
SURATHKAL, MANGALORE TALUK,
D.K. DISTRICT

...RESPONDENT

(BY SRI. RANJAN KUMAR K., ADVOCATE)

Digitally signed by SHARADAVANI B
Location: High Court of Karnataka

THIS CRL.RP IS FILED U/S 397 R/W 401 CR.P.C (U/S 438 R/W 442 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED

TO SET ASIDE THE ORDER OF CONVICTION DATED 04.02.2026 PASSED BY THE LEARNED APPELLATE COURT IN CRL.A.NO.240/2025 WHICH IS AT ANNEXURE-A AND CONSEQUENTLY UPHOLD THE ORDER OF ACQUITTAL DTD 24.04.2025 PASSED BY THE LEARNED JMFC VIII COURT, MANGALORE AND ACQUIT THE ACCUSED FOR THE OFFENCE P/U/S 138 OF N.I. ACT AND COST OF THE LITIGATION.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. After addressing the arguments for sometime, memo is filed by the counsel for the petitioner. Memo reads as under:

> *"It is prayed that this Hon'ble Court may kindly permit the accused to withdraw the criminal revision petition and file appeal against the order dated 04.02.2026 passed by the learned Appellate Court in the interest of justice and equity."*

2. Petitioner is the accused who has been convicted for the first time before the First Appellate Court reversing the order of acquittal.

3. Against such an order appeal is maintainable and not the revision.

4. Accordingly, memo is accepted.

5. Petition ***dismissed*** as withdrawn with liberty as prayed for.

6. Time spent before this Court shall be excluded while computing the period of limitation under Section 14 of the Limitation Act.

7. Return the certified copy of the records after keeping the photocopy.

8. Deposit amount shall be continued for the intended appeal.

Sd/-
(V SRISHANANDA)
JUDGE

SNC
List No.: 2 Sl No.: 44