HC-KAR

NC: 2026:KHC:59508
CRL.A No. 447 of 2014

CNR: KAHC010222402014

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 447 OF 2014 (A)

BETWEEN:

1. KOTTANGADA JOYAPPA
S/O. LATE KARUMBAIAH, 65 YEARS,
R/AT BALYAMUNDOOR VILLAGE & POST,
VIA PONNAMPET, VIRAJPET TALUK,
KODAGU DISTRICT - 571223.

...APPELLANT

(BY SRI. KARUMBAIAH T.A.,ADVOCATE)

AND:

1. P.R.CHANDRASHEKAR
S/O. RANGAIAH, 43 YEARS,
R/AT MATHRU VILLA,
PONNAMPET POST,
VIRAJPET TALUK - 571223.

...RESPONDENT

(R1(A), R1(B), R1(C), R1(D) ARE SERVED AND UNREPRESENTED.)

Digitally signed by
LAKSHMINARAYAN N
Location: High Court
of Karnataka

CRL.A. FILED U/S.378(4) CR.P.C BY THE ADV., FOR THE APPELLANT PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO SET ASIDE THE ORDER DATED:15.3.14 PASSED BY THE II ADDL. DIST. AND S.J., KODAGU, MADIKERI (SITTING AT VIRAJPET) IN CRL.A.NO.12/11 - ACQUITTING THE RESPONDENT/ACCUSED FOR THE OFFENCE P/U/S 138 OF N.I. ACT AND CONFIRM THE JUDGMENT AND ORDER DATED:9.2.11 PASSED BY THE CIVIL JUDGE AND JMFC, PONNAMPET IN C.C.NO.306/10.

CNR: KAHC010222402014

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

1. IA.1/2025 is filed under Section 482 of Cr.P.C read with Section 5 of the Limitation Act to condone the delay of 260 days in filing the application to bring the LR's of deceased respondent. IA.1/2024 is filed under Section 482 of Cr.P.C. for bringing the LR's of deceased respondent and IA.2/2024 is filed under Section 482 of Cr.P.C. for setting aside the abatement and delay in filing the application to bring the legal representatives of deceased respondent.

2. These applications are accompanied with affidavit of Kottangada Joyappa, S/o Late Karumbaiah. In the affidavit, it is stated that the respondent is challenging the acquittal order passed by the trial Court in Crl.A.No.12/2011 by the II Addl. District and Sessions Judge, Kodagu (sitting at Virajapet). During the pendency

of this appeal, the sole respondent died on 09.06.2024 leaving behind, his wife Veena P.C., son Padarthi C. Chethan, daughters Sowmya P.C. and Sandya P.C. as his legal representatives. Hence, it is sought for allowing this application.

3. I have examined the materials placed before this Court. The present complainant, Kottangada Joyappa, had filed a complaint under Section 200 of Cr.P.C. for the offence under Section 138 of NI Act against P. R. Chandrashekar. The trial Court has convicted the accused for the offence under Section 138 of NI Act and directed to pay a fine of Rs.4,00,000/-. Being aggrieved by this judgment, the accused, P. R. Chandrasekhar had preferred Crl.A.No.12/2011 before the II Addl. District and Sessions Judge, Kodagu (sitting at Virajapet). Same came to be allowed as per judgment dated 15.03.2014 by acquitting the accused. Being aggrieved by this judgment of acquittal, the present appellant has preferred this appeal against the accused, P.R.Chandrashekhar. The Death

Certificate of P.R. Chandrashekhar is filed by the present appellant which reveals that Chandrashekhar died on 09.06.2024. In view of Sections 394(1) of the Code of Criminal Procedure 1973, every appeal under Section 377 or Section 378 shall finally abate on the death of the accused. Hence, the application to bring the legal representatives of the accused is not maintainable. Accordingly, I proceed to pass the following:

O R D E R

(i) IA.1/2025, IA.1/2024 and IA.2/2024 are **dismissed** as not maintainable;

(ii) In view of the death of the sole respondent, the appeal filed by the appellant stands **abated**.

The Registry is directed to send copy of this judgment along with Trial Court Records to the concerned Court.

Sd/-
(G BASAVARAJA)
JUDGE

DHA / List No.: 1 Sl No.: 22