HC-KAR

NC: 2026:KHC:62492
CRL.RP No. 1132 of 2026

CNR: KAHC010482232026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MRS. JUSTICE GEETHA K.B.

CRIMINAL REVISION PETITION NO. 1132 OF 2026

BETWEEN:

1. SOUMYA MUSIC,
REP. BY PROPRIETOR,
SRI. HEMANTH.M.K.,
S/O. MANJUNATH KUMAR,
HAVING OFFICE AT S.L. COMPLEX,
1ST, 2ND, AND 3RD FLOOR,
NO.1, RMV 2ND STAGE,
3RD BLOCK, NEW BEL ROAD,
BENGALURU - 560 094.

2. SRI. HEMANTH .M K,
S/O. MANJUNATH KUMAR,
HAVING OFFICE AT S.L. COMPLEX,
1ST, 2ND, AND 3RD FLOOR,
NO.1, RMV 2ND STAGE,
3RD BLOCK, NEW BEL ROAD,
BENGALURU - 560 094.

...PETITIONERS

(BY SRI PRADEEPA N.R., ADVOCATE)

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AND:

SRI. M.S. RAGHU,
S/O. SUBBARAJU.M,
AGED ABOUT 50 YEARS,
RESIDING AT NO.61, AGS LAYOUT, NEW BEL ROAD,
BENGALURU - 560 054.

…RESPONDENT

(BY SRI BHAIRAV G.V., ADVOCATE)

THIS CRL.RP IS FILED U/S 397 R/W 401 CR.P.C (U/S 438 R/W 442 BNSS) PRAYING TO a) SET ASIDE THE ORDER DATED 31.07.2024 PASSED BY THE HONBLE LXIX ADDL. CITY CIVIL AND SESSIONS JUDGE, AT BENGALURU (CCH-70) IN CRL.A.NO.963/2022; b) SET ASIDE THE ORDER DATED 19.07.2022 PASSED BY THE HONBLE XVIII ACJM, AT BENGALURU CITY IN CC.NO.14480/2019, FOR THE OFFENCE P/U/S 138 OF N.I ACT.

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

CORAM: HON'BLE MRS. JUSTICE GEETHA K.B.

ORAL ORDER

1. IA No. 1/2026 is filed under Section 5 of the Limitation Act to condone the delay of 623 days in filing the revision petition.

2. In the affidavit affixed to IA No. 1/2026, the second petitioner has stated that after passing the judgment, he had been to Delhi on business purpose; in

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the meantime he was suffering from jaundice and took ayurvedic treatment in his native place and thus unable to contact his counsel and there is delay of 623 days in filing the revision petition.

3. The learned counsel for the respondent has filed objections to this IA stating that application is wholly misconceived and is not maintainable in law. It is further stated in the objection statement that the judgment of appeal was passed on 31.07.2024 and present petition is filed on 14.07.2026. Thus, there is delay of 714 days in filing the revision petition. Even after giving sufficient opportunities, the revision petitioners failed to pay the fine amount. They have resisted the jurisdictional police by executing the conviction warrant by creating commotion at the office entrance; petitioner No.2 hid in the office building and his agents falsely submitted that a stay order has been obtained. The conduct of the petitioners makes it clear that only to prolong the proceedings, the present IA is filed with an oblique motive. They have denied the

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averments made in the affidavit annexed to IA No.1/2026. Hence, prayed for dismissal of IA No.1/2026.

4. Having heard arguments of both sides, verifying the revision petition papers, the point that arises for consideration is:

> *"Whether the revision petitioner proves that he was prevented from sufficient cause in not filing the revision petition within the prescribed period of limitation."*

5. Finding of this Court on the above point is in ***'Negative'*** for the following:

REASONS

6. The revision petition is filed challenging the Judgment of conviction passed in CC No.14480/2019 dated 19.07.2022 which is confirmed in criminal Appeal No.963/2022 in the judgment dated 31.07.2024 on the appellate Court.

7. The period of limitation to file the revision petition is 90 days. There is 623 days delay in filing the revision petition.

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8. The reason assigned for such delay is that the revision petitioner No.2 had been to Delhi on business purpose and was suffering from jaundice and was taking treatment in his native place.

9. It is not stated in the revision petition that which is the native place of revision petitioner and how many days he took treatment in his native place. He has not stated that for how many days he had been to Delhi on business purpose.

10. Furthermore, the revision petitioner failed to provide any evidence to support their claim. Fully aware that the appellate Court had upheld the trial Court's conviction and sentencing, the petitioner fled Karnataka specifically to avoid serving the sentence. This shows his scant respect on the law of the land.

11. The reason assigned by the revision petitioner for such an inordinate delay is very vague and not supported by any document. Hence, this Court holds that the revision petitioner fails to prove that he was prevented

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from sufficient cause in not preferring the revision petition within the prescribed period of limitation. When the period of limitation is significant, it is the duty of revision petitioner to explain that why he could not file the revision petition within the prescribed period of limitation. Even though he is not supposed to explain day-to-day details, it is his responsibility to explain the reasons for such delay. Only if those reasons are *bonafide*, they could be accepted and the delay could be condoned. However, there is no such *bonafide* reason assigned by the revision petitioner as discussed above. Hence, this Court passes the following:

ORDER

i) IA No.1/2026 filed under Section 5 of the Limitation Act is ***dismissed***.

ii) Consequently, the criminal revision petition is ***dismissed*** as barred by law of limitation.

iii) Pending IAs if any stands disposed off.

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iv) The revision petitioner is directed to surrender before the trial Court to undergo the sentence.

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(GEETHA K.B.)
JUDGE

LL
List No.: 2 Sl No.: 7