HC-KAR
NC: 2026:KHC:63674
CRL.P No. 12002 of 2026
CNR: KAHC010546712026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 12002 OF 2026

BETWEEN:

H.K. SATHISH,
S/O KUNTAIAH,
AGED ABOUT 43 YEARS,
R/AT HULIGERE VILLAGE,
NAGASANDRA POST, YEDIYUR HOBLI,
KUNIGAL TALUK, TUMAKURU
DISTRICT-572 130.

...PETITIONER

(BY SRI LAKSHMIKANTH K,ADVOCATE)

AND:

S. CHANDRASHEKAR,
S/O SOMASHEKAR,
AGED ABOUT 25 YRARS,
R/AT NO.884, MADESHWARANAGARA MAIN ROAD,
NAGARAHOLE NAGARA,, HEROHALLI CROSS,
BENGALURU-560 091, JOGUPALYAM ULSOOR,
BANGALORE, PIN-560008.

...RESPONDENT

(RESPONDENT IS SERVED BUT UNREPRESENTED)

THIS CRL.P IS FILED U/S.482(FILED U/S.528 BNSS) CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO CALL FOR THE RECODS IN C.C.NO.35366/2022 ON THE FILE OF THE 23rd ADDL CJM BENGALURU AND CRL.A.NO.2675/2026 ON THE FILE OF THE LXII ADDL CITY CIVIL AND SESSIONS JUDGE BENGALURU (CCH-63) AT BENGLAURU, SET ASIDE THE ORDER DATED 22.07.2026 PASSED IN CRL.A.NO.2675/2026 BY THE LEARNED LXII ADDL CITY CIVIL AND SESSIONS JUDGE

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ANANT RAMNATH HEGDE

BENGALURU (CCH-63) IN RESPECT OF DEPOSITING THE FINE AMOUNT.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the petitioner. There is no representation on behalf of the respondent.

2. The petitioner is questioning the order dated 22.07.2026 passed by the Sessions Judge, Bengaluru in Criminal Appeal No.2675/2026. In terms of the said order, the petitioner's application seeking suspension of sentence is allowed and the Appellate Court has directed the petitioner to deposit 20% of the cheque amount.

3. It is an admitted fact that the proceeding before the Trial Court was under Section 138 of the Negotiable Instruments Act, 1881. The petitioner is convicted to pay fine of Rs.10,00,000/-. The cheque amount is also Rs.10,00,000/-

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4. Learned counsel appearing for the petitioner would submit that, before the Trial Court the case was posted for further cross examination of PW1/complainant on 27.04.2026. On that day PW1 was not present and the advocate for the accused was present and even the accused was also present. However, the Court noticing the fact that PW1 was absent has held that there is no further cross examination of PW1 and posted the case for recording statement under Section 313 of the Code of Criminal Procedure, 1973. Thereafter, the case was heard on merits.

5. The Court has considered the contentions raised by the learned counsel appearing for the petitioner and perused the records.

6. If PW1/complainant was not present for further cross examination, the Court could not have posted the case for recording the statement of the accused under Section 313 of Cr.P.C. The course opened for the Court was probably to dismiss the case for non prosecution.

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7. Under the circumstances, the Court is of the view that a case is made out to interfere with the order passed by the Appellate Court.

8. Hence the following:

ORDER

(i) The petition is ***allowed.***

(ii) The impugned order dated 22.07.2026 passed by the Sessions Judge, Bengaluru in Criminal Appeal No.2675/2026is set aside.

(iii) The appeal shall be heard on merits.

(iv) The observations made in this order should not be construed as having reflected anything on the merits of the appeal pending before the Court.

Digitally signed by Justice
ANANT RAMNATH HEGDE

(ANANT RAMANATH HEGDE)
JUDGE

BRN/List No.: 2 Sl No.: 38