HC-KAR

NC: 2026:KHC:61601
CRL.A No. 24 of 2024

CNR: KAHC010671042023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 24 OF 2024 (A)

BETWEEN:

1. C.V.RAMAKRISHNA REDDY
   S/O C VENKATAREDDY
   AGED ABOUT 48 YEARS
   SANTHOSH ELECTRICALS
   SRINIVASAPURA TOWN
   R/O CHOWDESHWARI NILAYA
   3RD CROSS, MARUTHI NAGAR
   SRINIVASAPURA TOWN
   KOLAR DISTRICT - 563 135

...APPELLANT

(BY SRI. SUHITH S.,ADVOCATE)

AND:

1. PRAKASHA K
   S/O KRISHNAPPA
   AGED ABOUT 50 YEARS
   R/O NETHRAVATI SILKS AND SAREES,
   SHANTHANNAVARA COMPLEX,
   OPP: KSRTC BUS STAND,
   M G ROAD, SRINIVASPUR TOWN,
   KOLAR DISTRICT - 563 135

...RESPONDENT

(RESPONDENT SERVED AND UNREPRESENTED.)

Digitally signed by
LAKSHMINARAYAN N
Location: High Court
of Karnataka

CRL.A FILED U/S 378(4) OF CR.P.C. BY THE ADVOCATE FOR THE APPELLANT/S PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO SET ASIDE THE JUDGMENT AND ORDER OF ACQUITTAL DATED 16.10.2023 PASSED IN

C.C.NO.139/2018 ON THE FILE OF PRINCIPAL CIVIL JUDGE AND J.M.F.C., SRINIVASAPURA AND CONSEQUENTLY ALLOW THIS APPEAL BY CONVICTING THE ACCUSED/RESPONDENT FOR THE OFFENCE P/U/S 138 OF NEGOTIABLE INSTRUMENTS ACT AND TO IMPOSE FINE UPON THE RESPONDENT BEING DOUBLE THE AMOUNT OF THE CHEQUE AND TO DIRECT THE RESPONDENT TO PAY THE FINE AMOUNT AS COMPENSATION TO THE APPELLANT AS PER SEC. 357 OF CR.P.C.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

This appeal is preferred against the Judgment of acquittal dated 16.10.2023 passed in CC No.139/2018 by the Principal Civil Judge & JMFC., Srinivasapura.

2. The Hon'ble Supreme Court in the case of CELESTIUM FINANCIAL v. A GNANASEKARAN ETC. reported in 2025 SCC ONLINE SC 1320, has held victim of an offence has the right to prefer an appeal under proviso to Section 372 of Cr.P.C., irrespective of whether he is a complainant or not. Even if the victim of an offence is a complainant, he can still proceed under the proviso to Section 372 and need not advert to sub-section (4) of Section 378 of Cr.P.C.

3. In view of judgment of the Hon'ble Supreme Court in the aforestated case, I proceed to pass the following:

O R D E R

(i) The Registry is directed to transfer this case to the Principal District and Sessions Judge, Kolar, for disposal, in accordance with law;

(ii) Registry shall send copy of this order along with necessary papers to the concerned Court;

(iii) The Transferee Court shall secure the presence of parties and proceed with the case in accordance with law.

Accordingly, the appeal stands ***disposed of.***

Pending IAs if any, shall stand disposed of.

Sd/-
(G BASAVARAJA)
JUDGE

DHA
List No.: 1 Sl No.: 30