

KACN300001582026



Presented on : 21-04-2026
Registered on : 21-04-2026
Decided on : 22-07-2026
Duration : Year Months Day
00 03 01

**IN THE COURT OF I ADDITIONAL DISTRICT AND SESSIONS
JUDGE, CHAMARAJANAGARA [SITTING AT KOLLEGALA]**

DATED THIS THE 22nd DAY OF JULY, 2026

Present

Sri. T.C. SRIKANTH, B.Com, LL.B.,
I Addl. District & Sessions Judge,
Chamarajanagara [Sitting at Kollegala].

Crl. Appeal No.5002/2026

Appellant : Srinivasa
S/o Thirukegowda,
Aged about 50 years,
R/at Kurubara Beedi,
Mangala Village, Kollegala Taluk,
Chamarajanagara District.

[By Sri. B.S.R., Advocate]

V/s

Respondent : Smt. Sheela
W/o Dr. Gopalan,
Aged about 62 years,
R/at # 6/253, Dr.Ambedkar Road,
Kollegala Town,

Chamarajanagara District.

[By Sri.M.P., Advocate]

J U D G M E N T

This criminal appeal is preferred U/s. 423 and 415 of Bharatiya Nagarika Suraksha Sanhita, 2023, assailing the judgment of conviction and sentence dated 25-3-2026 passed by the Senior Civil Judge & JMFC., Kollegal, in C.C.No.307/2018 wherein the learned trial judge convicted the accused/appellant for the offence punishable U/s. 415, 420 and 468 of Indian Penal Code, and sentenced him to pay a compensation of Rs.1,00,000/-, to the complainant.

2. For the sake of convenience, parties are referred to by their status and rank as before the trial Court, at a few places.
3. Facts of the case in a nutshell leading up to this appeal is that, the complainant's husband is a doctor. Her husband gave Rs.5,00,000/-, and she added her own amount of Rs.3,00,000/-, with the intention to purchase 2 acres of land for gardening, which she had mentioned to persons visiting her husband's clinic. The accused, who used to visit the clinic informed her that he owns landed property in Survey No.173/3 measuring 1.22 cents in Chennalingana Halli and he

intends to sell the same. Since he was known to her, she decided to purchase the same. The accused also showed her the RTC of the property.

4. On 25.2.2016, the accused executed agreement for a consideration of Rs.5,61,000/- and received Rs.1,00,000/- in advance. The complainant later learned that the property originally belonged to the mother-in-law of the accused, namely Chikkamma W/o Late Shivanna. She discovered that Chikkamma had already sold the property to G.Rayatangapandiyan on 25-09-2004 by executing registered sale deed. Since G.Rayatangapandiyan had not transferred the khata to his name, the accused did not disclose this fact.
5. Subsequently, G. Rayatangapandiyan, for legal necessity, sold the property to D. Nagaraju on 28-11-2012 for Rs.80,000/- by executing a sale agreement. As the sale deed was not executed, D. Nagaraju filed O.S. 211/2014 against G. Rayatangapandiyan and Chikkamma for specific performance of contract. The suit was decreed, and they were directed to execute the sale deed within one month.
6. The accused deliberately did not disclose these matters and, taking advantage of the situation that G.Rayatangapandiyan had not transferred the khata,

got the khata separated (Durasti) from the joint khata standing in the name of Madaiah for an extent of 2 acres and 1.22 acres in the name of Chikkamma (Survey No.173/2). This was later recorded as Survey No.173/3 in the name of Chikkamma. The accused suppressed all these facts and hurriedly got the sale agreement executed. He later insisted on registering the sale deed urgently and demanded the remaining sale consideration. On becoming suspicious, the complainant obtained the encumbrance certificate, which also did not mention the earlier sale. Upon further inquiry with the villagers in Kannur and through her advocate, she learned that Chikkamma had already sold the property to Rayatangapandiyan. She also discovered that Nagaraju's case had been decreed in his favour. Hence, the complainant learned that the accused, despite having no right, title, or interest in the property, executed the sale agreement with an intention to make unlawful gain. She approached the accused and requested to return the advance amount, but the accused told her that if she intends, he would execute the sale deed but would not return her advance and quarreled with her.

7. Later, when the complainant informed the above fact to the village head, it did not serve any purpose.

Similarly, when she lodged a police complaint, no action was taken. Hence, she filed the complaint under Section 200 of CrPC for offences under Sections 415, 420, 425, and 468 of the IPC.

8. After recording the sworn statement of the complainant and also verifying the documents, the trial court has taken cognizance against the accused for the offence punishable under Section 415, 420, 425 and 468 of IPC. In response to the service of summons, the accused has appeared before the trial court through his counsel and enlarged on bail. Thereafter, the charge was recorded for which the accused pleaded not guilty and claimed to be tried. Thereafter, the matter was posted for evidence of complainant.

The learned trial judge after holding a full dressed trial, passed the judgment of conviction and sentence on 25-3-2026.

9. It is this judgment of conviction dated 25-3-2026 that is impugned in this appeal, mainly on the following grounds:
 - i. The learned trial judge has failed to appreciate the evidence of PW-1. Learned trial judge has not at all considered the admitted facts in the evidence of PW-1.

- ii. The accused is the bonafide purchaser of the land bearing Survey No.173/3 measuring 1 acre 22 guntas and Ex.D1 to D25 are all standing in the name of the accused. Hence, question of the accused cheating the complainant does not arise.
- iii. The trial court has failed to consider the documents produced by the accused. The accused had no knowledge about the sale transaction between Chikkamma and Rayathangapandiyan which had taken place during the year 2004. The said transaction had no place in the encumbrance certificate. Hence, the accused purchased the land in the year 2014 from the said Chikkamma. The revenue documents were transferred to the name of the accused. Accordingly, accused entered into an agreement of sale with the complainant. However, the trial court has failed to consider the above true facts.

Amongst other formal grounds, the appellant has sought for setting aside the impugned judgment of conviction.

10. I have heard the arguments on both sides. Perused the documents, evidence and materials available on record.

The points that arise for my consideration are as follows:

1. *Whether the appellant made out the grounds to allow the appeal?*
2. *Whether the impugned judgment of conviction and sentence deserves to be set-aside?*
3. *What Order?*

11. My findings on the above points are as follows:

Point No.1: In the Negative.

Point No.2: In the Negative.

Point No.3: As per final Order for the following:

REASONS:

12. **Point Nos.1 and 2:** Since these points are interconnected to each other, they are taken up together for common discussion, to avoid repetition of facts and appreciation of evidence.
13. It is admitted fact that one Chikkamma was the owner of the land bearing Survey No.173/3, measuring 1 acre 22 guntas situated at Chennalinganahalli village, Lokkanahalli Hobli, Hanur Taluk. The accused has

admitted the execution of the sale agreement as per Ex.P1, in favour of the complainant agreeing to sell the said property. As per Ex.D9, on 17.10.2014 accused has purchased the above property from Chikkamma and her son under a registered sale deed. Subsequently, the revenue documents have been changed to the name of the accused. Ex.D1 to D8 are the revenue documents standing in the name of the accused. Hence, the complainant believing the sale deed and entries in Ex.D1 to D8, had entered into an agreement to purchase the above land from the accused. However, on 25.9.2004 itself the said Chikkamma, who was the earlier owner had sold the property to one Rayatangandiyan. Ex.P2 is the certified copy of the sale deed. Accused has contended that in Ex.P2, Survey Number is 173/2 and not Survey No.173/3. However, the total extent mentioned in Ex.P2 is 1 acre 22 cents. Chikkamma was the owner only to the extent of 1 acre 22 cents. Another contention of the accused is that, he had no knowledge about the sale transaction as per Ex.P2. However, Chikkamma is none other than the mother-in-law of the accused. In para 5 of his affidavit filed in lieu of examination-in-chief, the accused has categorically stated that Chikkamma is his mother-in-law. If the said Chikkamma is a stranger to the accused, then the

contention of the accused could hold some water. However, the contention of the accused that he had no knowledge about the sale transaction as per Ex.P2 is far from truth. If at all the accused had no knowledge about the sale transaction as per Ex.P2, he could have returned the advance amount to the complainant immediately when the sale transaction as per Ex.P2 was brought to his knowledge. However, the accused completely refused to return the advance amount to the complainant. Learned trial judge in her judgment at paragraphs 37 and 38 has observed the dishonest intention of the accused. The accused is the close relative of Chikkamma. Earlier, Survey No.173/2 was jointly standing in the name of Madaiah and Chikkamma. Subsequently, the Survey Department phoded the land and allotted survey No.173/3 measuring 1 acre 22 guntas in the name of Chikkamma. However, by that time the said Chikkamma had already sold the property as per Ex.P2. Taking advantage of the proceedings of the survey department, the accused had created the documents and executed the agreement of sale in favour of the complainant. Here, there is not only mistake on the part of the survey department, after existence of Ex.P2, the same does not find a place in encumbrance certificate. If at all the transaction as per Ex.P2 does

find a place in encumbrance certificate, the subsequent transaction and revenue entries could not have been possible. Hence, it appears, taking advantage of all these aspects, the accused had entered into an agreement of sale with the complainant and created Ex.P1. At the cost of repetition, if at all the accused had no dishonest intention, he could have returned the money received by him from the complainant as advance to the complainant immediately when he came to know about the mistake of the revenue department and the Sub-Registrar. Though he had the knowledge of the sale deed as per Ex.P2, he did not come forward to return the advance amount to the complainant.

14. Considering the above facts and circumstances and perusing the judgment of the trial Court, the trial Court properly assessed the evidence of the complainant and accused and documents produced by them before the trial Court and rightly passed the impugned judgment. I do not find any circumstances to interfere with the judgment of conviction passed by the trial Court. Accordingly, I answer point Nos.1 and 2 in the negative.
15. **Point No.3:** As a result, I proceed to pass the following:

ORDER

Criminal Appeal filed under Section 423 and 415 of Bharatiya Nagarika Suraksha Sanhita, 2023, by the appellant is dismissed.

Consequently, the judgment of conviction and sentence passed by the Senior Civil Judge & JMFC., Kollegal in C.C.No.307/2018 dated 25-3-2026 against the accused for the offence punishable U/s. 415, 420 and 468 of IPC, is hereby confirmed.

Send back the trial Court records along with a copy of this judgment, forthwith.

[Dictated to the Stenographer directly on the computer, typed by him, revised and corrected and then pronounced by me in the open Court on this the 22nd day of July, 2026].

[T.C. Srikanth]

I Addl. District & Sessions Judge,
Chamarajanagara, [Sitting at Kollegala].