

KADG010030042025



Presented on : 23-09-2025

Registered on : 23-09-2025

Decided on : 17-04-2026

Duration : 0 years, 6 months, 24 days

**IN THE COURT OF  
II ADDL DISTRICT AND SESSIONS JUDGE DAVANGERE  
AT DAVANGERE, DAVANGERE  
(Presided Over by SRI. PRAVEEN KUMAR.R.N)**

**CRL.A/190/2025**

**APPELLANT:-**

A.Lakshaman S/o Anjinappa,  
Age: 35 years, Occ: Arecanut Business  
R/o: Bypass road, Jagaluru Town,  
Dist: Davanagere.

**//Versus//**

**RESPONDENT:-**

K. Pradeep S/o K.Gopalakrishna,  
Age: 42 years, R/o: JCR Layout,  
Jagaluru Town, Dist: Davanagere.

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Sri.L.U., Advocate appearing for Appellant

Sri.S.M.A., Advocate appearing for Respondent

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## **JUDGMENT**

The appellant being the accused has preferred this appeal against the judgment and order of sentence passed by the Civil Judge and J.M.F.C., Jagaluru in CC No.2/2022 dated 01/08/2025.

2. In order to avoid the confusion I would like to show the rank of the parties same as they stood before the trial court.

3. The factual matrix of the complainant's case runs as under:-

The complainant and the accused are well acquainted with each other. It is the case of the complainant that the accused, for his family necessities and in connection with his arecanut business, approached him and availed a hand loan of Rs.4,50,000/- on 24.08.2021, with a promise to repay the same within two months. In discharge of the said liability, the accused issued a post-dated cheque bearing No.747133 dated 27.10.2021, drawn on Canara Bank.

4. The complainant presented the said cheque for encashment through his banker, DDCC Bank, Jagaluru Branch. However, the cheque was dishonoured and returned with an endorsement "Funds Insufficient" on 12.11.2021.

5. Thereafter, the complainant caused issuance of a statutory legal notice dated 24.11.2021, calling upon the accused to pay

the cheque amount. The said notice was duly served on the accused on 26.11.2021. Despite service of notice, the accused neither complied with the demand nor issued any reply. Hence, the complaint came to be filed.

6. The record would show that, thereafter the trial court recorded the sworn statement of the complainant and on perusal of entire records he took the cognizance of the offence and had issued notice to the accused. The record would show that the accused appeared through his counsel and thereafter took the bail from the court and thereafter the Presiding Judge framed the substance of accusation against the accused and record would show that accused pleaded not guilty and claimed to be tried.

7. Thereafter, the records would show that the complainant himself was examined as P.W-1 and he got marked 5 documents as Exhibits P-1 to P-5. The statement of the accused under Section 313 of the Cr.P.C. was dispensed with.

8. Thereafter the trial court heard the arguments placed by both the sides and thereafter the case was posted to judgment. Thereafter by considering all the facts and circumstances of the case the trial court come to the conclusion and passed the following order:-

**ORDER**

The Accused found guilty for the offence punishable under section 138 NI act.

Under power confirmed to this court U/sec. 255(2) of Cr.P.C the accused is convicted for the offence punishable U/Sec 138 of NI act.

The accused is sentenced to pay fine of Rs. 4,80,000/- (Rupees Four Lakh Eighty Thousand Only) and in default shall undergo simple imprisonment for 6 (six) months.

In view of direction of Hon'ble High Court of Karnataka in Crl.R.P 64/2017 between Chandrappa V/s N.S.Ajjappa, the entire fine amount recovered shall be paid to the complainant as compensation in view of Section 357 Cr.P.C. Office to furnish free copy of this Judgment to Accused forthwith.

9. On this impugned judgment and order of sentence passed by the trial court the accused has preferred this appeal and urged the following points for consideration:-

- The order passed by the Trial Court is not sustainable either on facts or in law.

- The Trial Court has passed the impugned order without affording an opportunity to the appellant to produce and substantiate his defence by placing relevant documents on record.
- The Trial Court has not conducted the trial in a proper manner and has passed the order in a one-sided and arbitrary manner.
- The respondent, without informing the appellant and without his knowledge, presented the cheque for encashment and, with an intention to extract money, has filed a false and created private complaint. Though the same was brought to the notice of the Trial Court, it has still passed the impugned order.
- In the present case, the appellant, in his statement under Section 313 of Cr.P.C., has denied all the incriminating circumstances appearing against him. Despite the same, the Trial Court has passed the impugned order without proper consideration.

- The Trial Court has passed the impugned order without thoroughly examining whether the writings and signature on the cheque belong to the appellant, and has solely relied upon the bank endorsement.
- The Trial Court has passed the order in haste without granting sufficient opportunity to the appellant to contest the case and to advance arguments.
- The counsel for the appellant had appeared before the Trial Court and submitted that there were sufficient materials to disprove the complainant's case, and sought permission to continue the trial, cross-examine the complainant, and produce documents. However, the Trial Court denied such opportunity and passed the impugned order.
- Due to health issues, the appellant could not appear before the Trial Court on certain dates. Even after explaining the same, the Trial Court failed to provide an opportunity to address

arguments and passed the impugned order in haste.

- The Trial Court has marked documents Ex.P1 to Ex.P5 on behalf of the complainant, but has failed to consider the documents of the appellant and the purpose for which they were produced.
- The appellant craves leave to urge additional grounds at the time of arguments.
- The judgment and order passed by the Trial Court in C.C. No.02/2022 is erroneous and liable to be set aside.

10. In view of the foregoing pleaded to allow this appeal by setting aside the impugned judgment of conviction dated 01.08.2025 passed in C.C.No.02/2022 by the Trial Court and to allow this appeal in the interest of justice and equity.

11. On admission of the appeal this court has issued notice to the complainant. Respondent appeared through his counsel. This court has received the entire records from the trial court.

12. On perusal of the facts and circumstances of the case, the following points arises for my consideration:-

- 1) Whether the appellant/accused has successfully rebutted the presumption under Section 139 of the Negotiable Instruments Act by proving that the cheque in question was not issued towards any legally enforceable debt or liability?
- 2) Whether it is necessary to interfere the judgment and order of sentence passed by the trial court?
- 3) What order?

13. My answer to the above points is as under:-

Point No.1 : In the Negative

Point No.2 : In the Negative

Point No.3 : As per final order for the following;

### **REASONS**

14. **Point No.1 & 2** :- These points are interlinked with each other. In order to avoid confusion, they are taken up for common discussion. Further, the brief facts of the complainant's case have already been set out in the earlier part of this judgment; hence, the same are not repeated herein for the sake of brevity.

15. Nevertheless, it is the case of the complainant that the accused, being well acquainted with him, approached him seeking a hand loan of ₹4,50,000/- for family necessities and for carrying on areca nut business, and in that regard issued a post-

dated cheque. However, the accused failed to repay the said amount and assured the complainant to present the cheque. Accordingly, when the cheque was presented, it was dishonoured with an endorsement stating “funds insufficient.”

16. It is further the case of the complainant that thereafter a statutory legal notice was issued to the accused, which was duly served. However, despite service of notice, the accused failed to repay the amount. Therefore, having no other option, the complainant was constrained to file the complaint against the accused. Upon conclusion of the trial, the trial Court convicted the accused for the offence punishable under Section 138 of the Negotiable Instruments Act. Aggrieved by the said judgment of conviction and order of sentence, the accused has preferred the present appeal on various grounds.

17. During the course of arguments, the learned counsel for the accused contended that the judgment passed by the trial Court is not in accordance with law and is perverse. It is further contended that the trial Court, without proper appreciation of the evidence on record, hastily arrived at the conclusion that the complainant had discharged his initial burden. It is also contended that though the accused had raised a probable defence to rebut the statutory presumption, the same has

neither been properly considered nor appreciated by the trial Court.

18. The learned counsel further contended that the trial Court has treated the oral and documentary evidence adduced by the complainant as gospel truth without subjecting the same to proper scrutiny. It is also contended that the complainant is a money lender and was in a dominant position, and with an intention to harass the accused, has filed the present complaint even in the absence of a legally recoverable debt. According to the counsel, such aspects were elicited during the cross-examination of the complainant, but the trial Court failed to consider the same in its proper perspective.

19. Further, it is contended that there is a discrepancy in the signature found on Exhibit P.1 (cheque) when compared with the signature found on the vakalatnama and other documents, and the same has not been properly appreciated by the trial Court. It is also contended that though the accused had questioned the financial capacity of the complainant to lend ₹4,50,000/-, the complainant failed to produce any material to show the source of income, and this aspect has also not been considered by the trial Court.

20. It is further contended that the trial Court did not provide sufficient opportunity to the accused to enter the witness box

and adduce his defence evidence. On all these grounds, the learned counsel for the accused prayed to set aside the judgment and order of sentence passed by the trial Court and further sought remand of the matter to the trial Court, providing an opportunity to the accused to lead his defence evidence.

21. Per contra, the learned counsel for the complainant contended that there is no illegality or perversity in the judgment passed by the trial Court. In his written arguments, it is contended that though the burden had shifted upon the accused, he failed to raise any probable defence to rebut the statutory presumption. It is further contended that the cheque in question was issued towards a legally recoverable debt, and the accused has admitted the same but has not made any effort to substantiate his defence, including the contention that the signature on the cheque does not belong to him.

22. It is also contended that the accused failed to reply to the statutory notice served upon him, and therefore, the defence now taken is only an afterthought. Further, it is contended that the present appeal has been filed only to protract the proceedings and to harass the complainant, without any valid grounds. It is submitted that by adducing both oral and documentary evidence, the complainant has proved his case beyond reasonable doubt. Hence, it is prayed that there is no

need to interfere with the well-reasoned judgment of the trial Court, and the appeal deserves to be dismissed as devoid of merits.

23. On going through the judgment passed by the trial Court, it is seen that during the course of trial, the trial Court dispensed with the recording of the statement of the accused under Section 313 of Cr.P.C., by relying upon the ratio laid down by the Hon'ble High Court in Criminal Revision Petition No. 1333/2018 between Ashwath Naraya V/s Shankar, wherein it has been held that in a summary trial, recording of the statement under Section 313 of Cr.P.C. is not mandatory.

24. Further, the trial Court has considered the ingredients of Section 139 of the Negotiable Instruments Act and has also relied upon the ratio laid down by the Hon'ble Supreme Court of India in *Rangappa v. Mohan* reported in AIR 2010 SC 1898, and initially arrived at the conclusion that, by adducing oral and documentary evidence, the complainant has discharged his initial burden.

25. The trial Court further held that once the initial burden is discharged by the complainant, the burden shifts upon the accused; however, the same is rebuttable. The trial Court also observed that during the course of cross-examination of the complainant, the accused had taken the contention that the

signature on Exhibit P.1 does not belong to him. However, the accused did not make any effort to examine the banker or to produce specimen signatures before the Court to substantiate his contention. The trial Court, by relying upon a judgment reported in ILR 2006 KAR 234 between Dinesh Harakchand V/s Kurlon Ltd., and others held that even if there is a difference in the signature, the statutory presumption would still arise in favour of the complainant.

26. Further, the trial Court has also considered that the accused failed to substantiate his contention that the complainant had advanced the amount through a finance business. It was also observed that though the legal notice was duly served upon the accused, he failed to reply to the same. On these grounds, the trial Court came to the conclusion that the accused failed to rebut the presumption raised against him and that the complainant has proved his case beyond reasonable doubt.

27. Now, it is to be seen whether there is any illegality, infirmity, or perversity in the judgment passed by the trial Court. Being the first appellate Court, this Court has the power to re-appreciate the facts and circumstances of the case as well as the law applicable thereto. However, it is well settled in various

decisions that when the judgment of the trial Court is not perverse, interference is not warranted.

28. On going through the records of the trial Court, it would show that in order to prove his case, the complainant examined himself as P.W.1 and relied upon five documents, namely: Exhibit P.1 – cheque, Exhibit P.2 – bank memo, Exhibit P.3 – copy of legal notice, Exhibit P.4 – postal receipt, and Exhibit P.5 – postal acknowledgment.

29. On perusal of Exhibit P.1, it is evident that the cheque was presented to the bank within the prescribed statutory period. Further, the demand notice was also issued within the statutory time. At this stage, it is pertinent to note that the said legal notice was duly served on the accused; however, the accused did not reply to the same. The records further disclose that the complainant has filed the complaint within the statutory period.

30. At this juncture, it is relevant to note that during the course of cross-examination of P.W.1, the accused admitted that Exhibit P.1 cheque belongs to him, though he disputed the signature found therein. However, it is to be noted that the banker returned the cheque with an endorsement stating “funds insufficient” and not on the ground that the signature differs or that the cheque does not belong to the accused. This circumstance clearly indicates that the initial burden cast upon

the complainant has been discharged, as he, being the holder of the cheque, has presented the same towards a legally recoverable debt.

31. At this stage, it is apposite to refer to the ratio laid down in the decision of the Hon'ble Supreme Court of India in *Basalingappa vs Mudlibasappa*, reported in 2019 (5) SCC 418. Their Lordships have held as under:-

23. We having noticed the ratio laid down by this Court in above cases on [Sections 118\(a\)](#) and [139](#), we now summarise the principles enumerated by this Court in following manner:-

(i) Once the execution of cheque is admitted [Section 139](#) of the Act mandates a presumption that the cheque was for the discharge of any debt or other liability.

(ii) The presumption under [Section 139](#) is a rebuttable presumption and the onus is on the accused to raise the probable defence. The standard of proof for rebutting the presumption is that of preponderance of probabilities.

(iii) To rebut the presumption, it is open for the accused to rely on evidence led by him or accused can also rely on the materials submitted by the complainant in order to raise a probable defence. Inference of preponderance of probabilities can be drawn not only from the materials brought on record by the parties but also by reference to the circumstances upon which they rely.

(iv) That it is not necessary for the accused to come in the witness box in support of his defence, [Section 139](#) imposed an evidentiary burden and not a persuasive burden.

(v) It is not necessary for the accused to come in the witness box to support his defence.

32. Further in *Tedhi Singh v. Narayan Dass Mahant*, (2022) 6 SCC 735 : (2022) 2 SCC (Cri) 726 : (2022) 3 SCC (Civ) 442 : 2022 SCC Online SC 302, wherein at page 740, the Hon'ble Supreme Court observed as follows:

“The trial court and the first appellate court have noted that in a case under Section 138 of the NI Act, the complainant need not show in the first instance that he had the financial capacity. The proceedings under Section 138 of the NI Act are not in the nature of a civil suit. At the time when the complainant gives his evidence, unless a case is set up in the reply notice to the statutory notice that the complainant did not have the wherewithal, it cannot be expected of the complainant to initially lead evidence to show that he had the financial capacity. To that extent, the courts were right in holding on those lines. However, the accused has the right to demonstrate that the complainant, in a particular case, did not have the capacity and therefore, the case of the accused is acceptable, which he can do by producing independent materials, namely, by examining his witnesses and producing documents. It is also open to him to establish the very same aspect by pointing to the materials produced by the complainant himself. He can further, more importantly, achieve this result through the cross-examination of the witnesses of the complainant. Ultimately, it becomes the duty of the courts to carefully consider and appreciate the totality of the evidence and then come to a conclusion whether, in the given case, the accused has shown that the case of the complainant is in peril for the reason that the accused has established a probable defence.”

33. On going through the principles laid down in the aforesaid decisions, it is clear that once the complainant has discharged his initial burden by adducing oral and documentary evidence, the burden shifts upon the accused; however, the same is

rebuttable. It is further held that in order to rebut the presumption, the accused can either cross-examine the complainant's witness or rely upon the materials produced by the complainant, and it is not always necessary for the accused to enter into the witness box.

34. In the present case, the record reveals that the accused did not reply to the statutory legal notice. However, he has cross-examined P.W.1. It is also evident that the accused has not entered into the witness box. Therefore, it becomes necessary to examine the cross-examination of P.W.1 to ascertain the nature of the defence taken by the accused.

35. Now, it is to be considered whether the defence so elicited in the cross-examination amounts to a probable defence sufficient to rebut the presumption raised against the accused.

36. The record would disclose that, in order to rebut the statutory presumption raised against him, the accused has put forth the following defences:

- Firstly, that there was no monetary transaction between himself and the complainant;
- secondly, that the signature found on Exhibit P1 does not belong to him; and

- thirdly, that the complainant did not possess the financial capacity to advance a sum of ₹4,50,000/-.

37. Now, with regard to the first defence, it is seen that during the course of cross-examination of the complainant, the accused has taken a contention that both he and his mother were engaged in areca nut business, and that such fact has not been stated in the complaint. At this stage, it is pertinent to note that by way of suggestion, the complainant has admitted that he has not specifically mentioned the said fact in the complaint. However, by putting such suggestion, the accused himself has indirectly admitted that he is engaged in areca nut business.

38. On perusal of Exhibit P.1 as well as the examination-in-chief of P.W.1, it is clearly stated by the complainant that the accused approached him for a hand loan for family necessities and for the purpose of carrying on areca nut business. Therefore, the suggestion put by the accused during cross-examination is consistent with the case of the complainant, and it corroborates rather than contradicts the version of the complainant.

39. Further, during the cross-examination dated 13.06.2025, a suggestion was put to the complainant that at the time of advancing ₹4,50,000/-, the complainant had obtained a cheque as security. Another suggestion indicates that the accused issued

the cheque on 26.10.2021. These suggestions, when read together, clearly imply that the accused had availed a sum of ₹4,50,000/- from the complainant and had issued Exhibit P1 cheque in that connection.

40. Though an attempt has been made to contend that the cheque was issued only as security, there is no clear or specific suggestion to that effect, nor has any cogent evidence been adduced by the accused to substantiate that Exhibit P.1 cheque was issued purely as security and not towards discharge of a legally enforceable debt. It is well settled that a mere suggestion in cross-examination, without any supporting evidence, cannot be treated as proof of a defence.

41. On the contrary, the suggestions made during cross-examination amount to an implied admission of the transaction of ₹4,50,000/-. Therefore, the defence taken by the accused in this regard does not probabalise his case; rather, it strengthens the version of the complainant. Hence, this defence is not helpful to the accused and, in fact, supports the case of the complainant.

42. Coming to the second defence, namely that the signature on Exhibit P.1 does not belong to the accused, it is contended that the accused usually signs in Kannada, whereas the signature found on Exhibit P.1 appears in English, and therefore, the

complainant himself has forged or affixed the signature. At this juncture, it is relevant to note that the complainant has categorically denied this suggestion.

43. When such a specific defence is taken, the burden lies heavily upon the accused, as per Section 101 of the Indian Evidence Act, to prove that the signature on the cheque is not his. It is also pertinent to note that the bank endorsement on Exhibit P.2 does not indicate that the cheque was dishonoured on account of “signature differs” or “drawer’s signature mismatch.” On the contrary, the cheque has been dishonoured for the reason “funds insufficient.”

44. This circumstance assumes significance, as it prima facie indicates that the cheque pertains to the account of the accused and that the signature was not found to be discrepant by the banker. In such a situation, the burden shifts more heavily upon the accused to substantiate his contention regarding the alleged difference in signature.

45. The trial Court has rightly observed that, in order to prove such a defence, the accused ought to have examined the bank manager or produced the specimen signatures available with the bank. Further, the accused could have produced admitted documents containing his signature or sought the opinion of a

handwriting expert to establish that the signature on Exhibit P1 does not belong to him.

46. However, the accused has failed to take any such steps. He has neither examined the banker nor produced any admitted signatures for comparison, nor has he sought expert opinion. In the absence of such evidence, a mere suggestion made during the course of cross-examination of PW1 is wholly insufficient to rebut the statutory presumption.

47. It is well settled that the presumption under Section 139 of the Negotiable Instruments Act is a strong presumption in favour of the holder of the cheque, and the same can be rebutted only by adducing cogent and convincing evidence. In the present case, the accused has failed to discharge this burden.

48. Therefore, this Court is of the considered opinion that the trial Court has rightly appreciated this aspect and has correctly held that the accused has failed to prove that the signature on Exhibit P.1 does not belong to him. Hence, no interference is warranted on this ground.

49. Finally, the accused has taken a defence that the complainant has not produced any documentary evidence to establish his financial capacity to advance a sum of ₹4,50,000/- and has also failed to disclose the source of such income. At this

stage, it is to be noted that such a contention, in appropriate cases, may constitute a probable defence. It is well settled by various decisions of the Hon'ble Supreme Court and High Courts that when the accused specifically challenges the financial capacity of the complainant, the burden may shift back upon the complainant to establish his source of income by placing cogent material before the Court.

50. However, in the present case, the conduct of the accused during the course of cross-examination assumes great significance. The record clearly discloses that, at one stage, the accused himself has put a suggestion to the complainant that he had received ₹4,50,000/- and, at that time, had issued Exhibit P.1 cheque, though according to him, it was issued as security. Further, it has also been suggested that the cheque was issued on 26.10.2021. These suggestions, when taken cumulatively, amount to an implied admission of the transaction and the issuance of the cheque in connection with the said amount.

51. Thus, it is evident that while on one hand the accused disputes the financial capacity of the complainant, on the other hand, he admits the receipt of ₹4,50,000/- and the issuance of the cheque. Such inconsistent stands taken by the accused weaken his defence and render it unreliable.

52. Further, during the course of cross-examination, the accused has elicited from the complainant that the amount was arranged through various sources such as savings, chit (committee) amount, contributions from family members including his brother, and pension income of his mother. Though it is true that the complainant has not examined those persons or produced documentary proof in support of the same, the overall circumstances of the case and the admissions elicited by the accused cannot be ignored.

53. Moreover, it is also elicited during cross-examination, by way of suggestion from the accused himself, that the complainant has filed similar cases against other persons and is engaged in finance-related activities. This suggestion, in fact, supports the inference that the complainant is financially capable of advancing loans. Therefore, by putting such suggestions, the accused has indirectly admitted that the complainant possesses sufficient financial capacity.

54. In such circumstances, it cannot be said that the burden once again shifted upon the complainant to produce documentary evidence regarding his source of income, particularly when the accused himself has made admissions which probalilise the financial capacity of the complainant.

55. It is also pertinent to note that Exhibit P.3, the statutory legal notice, was duly served upon the accused, and he has not chosen to reply to the same. If really the complainant had no financial capacity or if no such transaction had taken place, the accused would have raised such a contention at the earliest point of time by replying to the notice. The failure to do so gives rise to an adverse inference that the defence now taken is an afterthought, introduced only during the course of trial to escape liability.

56. Therefore, considering the overall facts and circumstances, this Court is of the opinion that the defence regarding lack of financial capacity of the complainant does not inspire confidence and does not constitute a probable defence sufficient to rebut the statutory presumption under Section 139 of the Negotiable Instruments Act.

57. Accordingly, it is held that the trial Court has properly appreciated the oral and documentary evidence on record and has rightly concluded that the accused has failed to rebut the presumption raised against him. The findings recorded by the trial Court are based on sound reasoning and do not suffer from any illegality, infirmity, or perversity.

58. Hence, this Court finds no grounds to interfere with the well-reasoned judgment of conviction and order of sentence

passed by the trial Court. The judgment of the trial Court is hereby confirmed.

59. Further, during the course of arguments, the learned counsel appearing on behalf of the accused has contended that the trial Court did not afford sufficient opportunity to the accused to further cross-examine the complainant, nor did it provide an opportunity to the accused to enter the witness box and adduce his defence evidence.

60. At this stage, on perusal of the trial Court records, it is evident that the trial Court has, in fact, provided sufficient opportunities to the accused to cross-examine the complainant / P.W.1. It is also seen that the trial Court allowed the application filed by the accused under Section 311 of Cr.P.C. for recall of the witness, and thereafter, the accused has fully cross-examined P.W.1.

61. Further, the record discloses that the trial Court, on several occasions, granted adequate opportunities to the accused to lead his defence evidence. However, the accused failed to avail such opportunities and did not choose to enter the witness box. Consequently, the matter was posted for arguments.

62. In such circumstances, when sufficient and reasonable opportunities were afforded by the trial Court both to cross-examine the complainant and to lead defence evidence, it is not open for the accused to contend that he was denied a fair opportunity. Therefore, the contention raised by the learned counsel for the accused in this regard is devoid of merit and cannot be accepted.

63. Accordingly, there are no grounds to remand the matter to the trial Court for the purpose of granting further opportunity to the accused to cross-examine the complainant or to adduce defence evidence. Thus, on an overall consideration of the entire material on record, this Court is of the opinion that there is no illegality, infirmity, or perversity in the judgment passed by the trial Court. On the contrary, it clearly establishes that the complainant has proved his case beyond reasonable doubt and that the accused has failed to raise a probable defence to rebut the statutory presumption. Therefore, the appeal being devoid of merits, deserves to be dismissed. Accordingly, Point Nos. 1 and 2 are answered in the Negative.

64. **Point No.3:-** In view of my findings on Point No.1& 2, I proceed to pass the following;

**ORDER**

The appeal filed by the appellant/accused U/Sec.415 of BNSS is hereby dismissed.

The Judgment and order of sentence passed by the Civil Judge and J.M.F.C., Jagaluru in CC No.2/2022 dated 01/08/2025 is hereby confirmed.

Send the copy of this judgment to the trial court alongwith TCR.

(Dictated to the Stenographer directly on the computer, corrected, signed and then pronounced by me in the open court this the 17<sup>th</sup> day of April, 2026)

Sd/-

( Praveen Kumar R.N.)  
II Addl. District & Sessions Judge,  
Davanagere.