



IN THE COURT OF THE PRL.DISTRICT JUDGE, MANDYA

PRESENT

**SRI.SUBRAMANYA J.N.,
B.A., LL.M.**

**Prl.District and Sessions Judge,
Mandya**

Dated this the 2nd day of April, 2026.

Crl.Appeal No. 159/2025

**Appellant:-
/accused**

Nataraju M.C.,
S/o Late Chikkachannaiah,
Aged about 40 years,
R/at Munkunda Village,
Channapatna Taluk,
Ramanagara District-562160.

(Rptd.by Smt.B.Sunitha,
Advocate.)

-VS-

**Respondent:-
/Complainant**

Beeresha
S/o Shivappa,
Aged about 36 years,
R/at Aluru Village,
Maddur Taluk,
Mandya District-571428.

(Rptd.by S.Srinivasa
Advocate.)

J U D G M E N T

In this Judgment, I will refer the parties with the ranks they held before the trial Court.

2. The appellant being the accused in C.C.No.280/2024 on the file of I Addl.Civil Judge and JMFC, Maddur feeling aggrieved by the Judgment and Order dated 01.08.2025 presented the appeal u/Section 374(3) of Cr.P.C. R/w Section 415 of BNSS, 2023.

3. Brief facts leading to present the appeal are as under:

- a) On 02.01.2024 complainant presented the complaint under Section 200 of Cr.P.C. before the trial Court alleging that accused has committed the offence punishable under Section 138 of N.I.Act with respect to the cheques dated 05.08.2023 and 05.09.2023 on the ground that himself and accused are well known to each other, on 05.06.2023 accused borrowed Rs.8,00,000/- to discharge hand loans, meet house hold expenses, agreed to repay the same within two months, in spite of lapse of two months accused did not refund money, when complainant demanded to refund, accused issued cheques dated 05.08.2023 and 05.09.2023 drawn for Rs.4,00,000/- each requested to realize the money by presenting

cheques, as per instructions of the accused complainant presented the cheques, which are bounced with endorsement 'Funds Insufficient' on 02.11.2023, then on 18.11.2023 complainant get issued legal notice to the accused intimating loan transaction, issuance of the cheques dated 05.08.2023 and 05.09.2023, bouncing of the cheques, insisting to pay money noted in the cheques within 15 days from the date of receipt of the notice, on 30.11.2023 notice served on the accused, however, accused neither paid money nor issued reply.

- b) Along with complaint, complainant has presented/filed cheques dated 05.08.2023 and 05.09.2023, bank endorsement dated 02.11.2023, copy of the legal notice dated 18.11.2023, RPAD receipt and postal acknowledgment card.
- c) The trial Court after verification of the complaint and enclosures placed by the complainant through order dated 09.01.2024 taken cognizance of the offence punishable under Section 138 of the N.I.Act with respect to

cheques dated 05.08.2023 and 05.09.2023 registered C.C.280/2024 against the accused and issued process to the accused.

- d) In response to the process accused appeared before the trial Court, get released on bail.
- e) When trial Court read over and explained accusation of the offence punishable under Section 138 of the N.I.Act with respect to cheques dated 05.08.2023 and 05.09.2023 accused pleaded not guilty.
- f) To prove the allegation made in the complaint complainant deposed as PW-1 get marked 7 documents at Ex.P.1 to P.7.
- g) After closure of the complainant side evidence, trial Court recorded the statement of the accused as required under Section 313 of Cr.P.C., the accused denied incriminating evidence appeared against him, deposed as DW-1.
- g) The trial Court after hearing argument submitted on behalf of both the parties and appreciating the material available in the file, through

impugned Judgment and order dated 01.08.2025 convicted the accused for having committed the offence punishable under Section 138 of the N.I.Act with respect to cheques marked at Ex.P.1 and 2 and sentenced to pay fine of Rs.8,02,000/- and in default of payment of fine, to suffer Simple Imprisonment for a period of Three months and directed the office to pay in the recovered fine amount Rs.8,00,000/- to the complainant as compensation and credit surplus amount of Rs.2,000/- to the State.

4. Feeling aggrieved by the impugned Judgment and order of sentence dated 01.08.2025 the appellant/accused presented the appeal on the following main grounds.

- a) Impugned judgment and order are against to law, all probabilities of the case, therefore not sustainable.
- b) The trial Court has been misdirected by the respondent, which came to the wrong conclusion.

- c) The trial Court failed to consider the defence of the accused that the complainant has stolen cheques in question from the house of the accused and misused the same.
- d) The trial Court failed to consider the fact that accused suffering from brain tumour, unable to give complaint initially, after the legal notice from the complainant, but, during rebuttal it was clearly made aware about the circumstances, which prevented the accused to give complaint to police against the complainant and when after the case was registered the jurisdictional police refused to accept the complaint of the accused.
- e) The trial Court committed grave error in coming to the conclusion that accused has committed an offence punishable under Section 138 of N.I. Act, though there is absence of any material on record.
- f) In the evidence complainant admitted that he is a B.P.L. card holder, which has not been considered by the trial Court.

- g) The trial Court failed to examine about subsistence of legally recoverable debt.
- h) The complainant failed to establish his case beyond all reasonable doubt before the trial Court.

5. Along with appeal memo appellant filed application/I.A.No.1 under Section 389(1) of Cr.P.C. R/w Section 430 of BNSS, 2023 seeking to stay the operation and execution of impugned judgment and order dated 01.08.2025.

6. This Authority after hearing the submission made on behalf of appellant and appreciating the materials available in the file through order dated 02.09.2025 stayed the operation and execution of the impugned judgment and order subject to deposit of 20% of the fine amount by the accused before the trial Court within 30 days, however, till date of the final hearing of the appeal, appellant/accused did not report deposit of the 20% of the fine amount before the trial Court.

7. In response to the notice of appeal memo, the respondent appeared through his Advocate. Trial Court records are secured.

8. I heard the arguments submitted on behalf of both the parties and perused entire records.

9. On the basis of the materials on record, following points would arise for my consideration;

1) Whether the appellant/accused made out sufficient grounds to interfere in the impugned Judgment and order dated 01.08.2025 passed in C.C.280/2024 by the I Addl.Civil Judge and JMFC, Maddur?

2) What order?

10. On the basis of the material available in the file, my finding to the above Points are as follows:-

Point No.1 : **In the Negative**

Point No.2 : As per final order for the following:

11. **Point No.1** : In the complaint, affidavit filed in lieu of sworn statement/evidence PW-1/complainant asserted following points:

a) Himself and accused are well known to each other, on 05.06.2023 accused borrowed Rs.8,00,000/- to discharge hand loans, meet house hold expenses, agreed to repay the same within two months, in spite of lapse of two

months accused did not refund money, when complainant demanded to refund, accused issued cheques dated 05.08.2023 and 05.09.2023 drawn for Rs.4,00,000/- each requested to realize the money by presenting cheques, as per instructions of the accused complainant presented the cheques, which are bounced with endorsement 'Funds Insufficient' on 02.11.2023, then on 18.11.2023 complainant get issued legal notice to the accused intimating loan transaction, issuance of the cheques dated 05.08.2023 and 05.09.2023, bouncing of the cheques, insisting to pay money noted in the cheques within 15 days from the date of receipt of the notice, on 30.11.2023 notice served on the accused, however, accused neither paid money nor issued reply.

12. In the cross-examination PW-1 stated that he has studied up to S.S.L.C. and as on the date of cross-examination doing agriculture, since 2010-2021 worked in MANMUL, during 2023 used to earn Rs.30,000/- to Rs.35,000/- per month and used to ears Rs.4,50,000/- to Rs.5,00,000/- P.A.. PW-1 submitted that he is not an income tax payee and possessing BPL card. PW-1 stated

that accused being a relative, during May-2023 sought loan in the house. PW-1 denied the suggestion that there was no monetary transaction between himself and accused. PW-1 stated production of pronote and cheque about transaction between himself and accused. PW-1 admitted non-availability of the documents to show that he possessed Rs.8,00,000/-.

13. PW-1 stated that in the house of the accused, accused and his mother are residing, accused doing business at Bengaluru. PW-1 submitted that he paid Rs.8,00,000/- containing 500/- rupees face value currency notes. PW-1 submitted ignorance about Ravigowda and denied the suggestion that Ravigowda scribed the cheque of the accused and get filed complaint through PW-1. PW-1 stated that accused borrowed money to clear hand loan and after borrowing money issued cheques noting date as 05.08.2023 and 05.09.2023. PW-1 stated that two times cheques are bounced and same were informed to the accused and also issued notice dated 18.11.2023 to the accused. PW-1 stated that his family is a poor family and during 2010 to 2021 worked at K.M.F. in Milk Testing Division. PW-1 stated that as on the date of the cross-examination he working at tender-coconut wholesale shop. PW-1 stated the he retained Rs.8,00,000/- in the home. PW-1 denied

the suggestion that there are difference in the handwriting and signatures in the cheques marked at Ex.P.1 and 2. PW-1 denied the suggestion that he neither know accused nor accused borrowed money from his hands.

14. In the cheques marked at Ex.P.1 and 2 it is noted that accused issued the same directing his banker to pay Rs.4,00,000/- each to the complainant on 05.08.2023 and 05.09.2023 respectively.

15. Bank endorsements marked at Ex.P.3 and 4 shows that on 02.11.2023, cheque marked at Ex.P.1 and 2 are bounced for the reason of 'insufficient funds'.

16. Ex.P.5 is the copy of the legal notice dated 18.11.2023 issued by the complainant to the accused intimating loan transaction dated 05.06.2023, issuance of the cheques marked at Ex.P.1 and 2 in order to repay Rs.8,00,000/-, bouncing of cheques for the reason 'insufficient funds' on 02.11.2023, insisted the accused to pay the money noted in the cheques within 15 days from the date of receipt of the notice.

17. Ex.P.6 is the postal receipt and Ex.P.7 postal acknowledgment card bearing address and signature of the accused.

18. In the evidence accused/DW-1 stated that complainant is a distinct relative, used to visit his house situated at Channapattana, during such visit complainant taken cheques from his house, filled the contents and filed the complaint. DW-1 stated that after receipt of the summons from the Court, he came to know about the filing of the complaint, then filed complaint alleging misusing of the cheques at K.M.Doddi police station, however, police have not received such complaint, then approached the complainant and enquired, for which complainant assured not to continue the case.

19. In cross-examination accused submitted that he is a B.Com. Degree holder, working as Village Accountant. DW-1 denied the suggestion that there is monetary transaction between himself and complainant. DW-1 submitted that cheques marked at Ex.P.1 and 2 are concerned to his bank account and bears his signatures. DW-1 denied the suggestion that he borrowed Rs.8,00,000/- from complainant in order to refund issued chques marked at Ex.P.1 and 2. DW-1 denied the suggestion that on 05.06.2023 borrowed money from the complainant. DW-1 admitted receipt of the notice marked at Ex.P.5 and signature visible in the postal

acknowledgment card marked at Ex.P.7 is his signature. DW-1 denied the suggestion that after receipt of the notice/Ex.P.5, he never approached the complainant. DW-1 admitted that non-production of the documents regarding visit of the police station to file complaint.

20. As referred above in the evidence accused stated that he is a B.Com. Degree holder, working as Village Accountant and admitted that cheques marked at Ex.P.1 and 2 are concerned to his bank account and those cheques bears his signature and also admitted receipt of the legal notice marked at Ex.P.5 before the trial Court.

21. Cheques, bank endorsements, copy of the legal notice, postal receipt, postal acknowledgment card, points elicited during cross-examination of the accused confirms that complainant has complied ingredients of Section 138 of N.I.Act., therefore, presumption is to be drawn in favour of the complainant, who is the possessor of the cheques marked at Ex.P.1 and 2 in due course.

22. Sole oral evidence of the accused are insufficient to rebut the presumption to be drawn in favour of the complainant, who possessed cheques marked at Ex.P.1 and 2 in due course.

23. Before the trial Court accused has not produced evidence to disbelieve the oral and documentary evidence placed by the complainant.

24. The trial Court by properly appreciating the material available in the file, rightly concluded that accused has committed the offence punishable under Section 138 of N.I.Act with respect to cheques marked at Ex.P.1 and 2 and sentenced to pay fine of Rs.8,02,000/- and in default of payment of fine, to suffer Simple Imprisonment for a period of Three months in the impugned judgment and order.

25. On re-appreciation of the materials available in the file with reference to the submission made on behalf of the both the parties, I concur with the findings and conclusions recorded by the trial Court in the impugned judgment and order. Hence, I came to the conclusion that accused/appellant has failed to make out sufficient grounds to interfere in the impugned Judgment and order. Hence, I answer point No.1 in the **“Negative”** and pass the following:-

ORDER

The appeal filed u/Section
u/Section 374(3) of Cr.P.C. R/w Section
415 of BNSS, 2023 by the
appellant/accused challenging the

Judgment and order dated 01.08.2025 passed in C.C.280/2024 by the I Addl.Civil Judge and JMFC, Maddur is hereby dismissed.

Office to return trial Court records along with a copy of this Judgment forthwith.

Dictated to the Stenographer, who transcribed, then corrected by me, print taken, pronounced in the Open Court on **2nd day of April, 2026.**

(SUBRAMANYA J.N.)
Prl.District and Sessions Judge,
Mandya.