



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 24TH DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
CRIMINAL REVISION PETITION NO. 24 OF 2023

BETWEEN:

MR. SUDHESH SUVARANA
S/O GANGADHARA KARKERA
AGED ABOUT 46 YEARS
OCC HOTEL BUSINESS
R/AT SUVARANA FAST FOOD CENTER
KURUNJIBHAG SULLIA KASABA
VILLAGE KURUMJIBHAG POST
SULLIA D.K. - 574 327.

...PETITIONER

(BY SRI DINESHKUMAR RAO K, ADV.)

AND:

MR. K. SHASHIDHARA
S/O KEKUNNAYA
AGED ABOUT 54 YEARS
OCC BUSINESS
R/AT KURUNJIBHAG POST
SULLIA, SULLIA TALUK
D.K. - 574 239.

...RESPONDENT

(BY SMT. SUMA K, ADV.)

THIS CRL.RP IS FILED U/S.397 R/W 401 CR.P.C PRAYING TO SET ASIDE THE JUDGMENT AND ORDER DATED 16.11.2022 PASSED BY V ADDITIONAL DISTRICT AND SESSIONS JUDGE, D.K., MANGALURU, SITTING AT PUTTUR, D.K. IN CRL.A.NO.5035/2020, CONFIRMING THE JUDGMENT AND ORDER DATED 05.03.2020 IN C.C.NO.391/2018 PASSED BY THE SENIOR CIVIL JUDGE AND J.M.F.C., SULLIA, D.K. CONVICTING THE PETITIONER FOR THE OFFENCE P/U/S 138 OF N.I. ACT AND ACQUIT THE PETITIONER OF CHARGE LEVELED AGAINST HIM.

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





CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused is before this Court in this criminal revision petition filed under Sections 397 read with 401 of Cr.PC with a prayer to set aside the judgment and order of conviction and sentence dated 05.03.2020 passed by the Court of Senior Civil Judge & JMFC, Sullia, D.K., in CC.No.391/2018, and the judgment and order dated 16.11.2022 passed by the Court of V Addl. District & Sessions Judge, D.K. Mangaluru, sitting at Puttur, in CrI.A.No.5035/2020.

2. Learned Counsel for the parties jointly submit that the dispute between the parties has been amicably settled and the respondent has agreed to receive a total sum of Rs.5,50,000/- from the petitioner towards full and final settlement of the dispute between the parties.

3. Learned Counsel for the petitioner submits that a memo is filed before the Court reporting settlement.

4. Learned Counsel for the respondent submits that towards repayment of the balance amount of Rs.2,75,000/- postdated



cheque is being is issued, and therefore, liberty may be reserved to the respondent to seek recalling of the order passed in this revision petition, in the event the postdated cheque issued by the petitioner is dishonoured by the drawee bank.

5. The memo filed by the learned Counsel for the petitioner is taken on record. The same reads as under:

"That the petitioner has deposited 50% of fine amount in the above case before the trial court and that he is ready and willing to pay balance fine amount of Rs.2,75,000/- within 2 months from today as he is facing some financial difficulties at present and he undertakes to arrange the amount Rs.2,75,000/- within 2 months from today as such he is issuing a cheque for Rs.2,75,000/- issued in favour of respondent the cheque bearing No.171174 dated 24.4.2026 drawn on Federal Bank, Sullia Branch, D.K. Hence the Memo."

6. In view of the settlement arrived between the parties, I am of the opinion that this revision petition is required to be disposed of in terms of the settlement and the judgment and order of conviction and sentence passed by the courts below is required to be set aside. Accordingly, the following order:



7. Criminal revision petition is allowed. The impugned judgment and order of conviction and sentence dated 05.03.2020 passed by the Court of Senior Civil Judge & JMFC, Sullia, D.K., in CC.No.391/2018, and the judgment and order dated 16.11.2022 passed by the Court of V Addl. District & Sessions Judge, D.K. Mangaluru, sitting at Puttur, in Crl.A.No.5035/2020, are set aside. Petitioner is acquitted of the offence punishable under Section 138 of the N.I.Act. His bail bonds, if any, stands cancelled. Respondent is permitted to withdraw the amount of Rs.2,75,000/- deposited by the petitioner before the Trial Court in CC.No.391/2018. Liberty is reserved to the respondent-complainant to file necessary application to recall this order in the event the postdated cheque issued under the memo, towards payment of the balance amount of Rs.2,75,000/- is dishonoured by the drawee bank.

**Sd/-
(S VISHWAJITH SHETTY)
JUDGE**

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