



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. 9 OF 2026

BETWEEN:

1. SAMPURNA BUILDERS
NO.50, ACHARYA ARCADE,
4TH CROSS, 1ST BLOCK,
3RD PHASE, BANASHANKARI III STAGE,
BENGALURU-580 050.
2. V.RAGHAVENDRA,
S/O. LATE VASUDEVACHAR,
AGED ABOUT 57 YEARS,
SAMPURNA BUILDERS, R/AT NO.241/A,
2ND BLOCK, 3RD PHASE,
BSK-III STAGE, BENGALURU-580 050.

...PETITIONERS

(BY SRI.S.P.KULKARNI, SENIOR ADVOCATE FOR
SRI. PAVANKUMAR YARAGANAVI, ADVOCATE)



AND:

1. M/S SAMPURNA CHAMBERS ASSOCIATION
REPT. BY ITS SECRETARY,
Y.N.SATHYANARAYANA RAO,
R/AT UNIT SF-7, 2ND FLOOR,
NO.13, SAMPURNA CHAMBERS,
VASAVI TEMPLE STREET,
V.V. PURAM, BENGALURU-580 004.

...RESPONDENT

(BY SRI. PRASAD B S, ADVOCATE)



THIS CRL.RP IS FILED U/S 397 R/W 401 CR.PC (FILED U/S 438 R/W 442 BNNS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO A. SET ASIDE THE PORTION OF THE ORDER DATED 13.11.2025 MADE IN CRL.A NO.1283/2023 ON THE FILE OF THE LXV ADDL.CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY (CCH-66) IN SO FAR AS IT RELATES TO REMANDING THE MATTER TO THE TRIAL COURT FOR FURTHER TRIAL AND EVIDENCE IN THE MATTER AND TO ALLOW THE CRIMINAL APPEAL NO.1283/2023 IN ITS ENTIRETY AND TO ACQUIT THE PETITIONER/ACCUSED IN CC NO.8965/2021 ON THE FILE OF XXXVIII ACMM, BENGALURU U/S 138 OF THE N.I ACT AND TO SET THEM FREE.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused is before this Court in this Criminal revision petition filed under Section 397 read with Section 401 of Cr.P.C. seeking for the following reliefs:

"The Petitioners pray as under:-

i. Call for the records in C.C.No.8965/2021 on the file of XXXVIII ACMM, Bengaluru, and also records in Crl.Appl.No.1283/2023 on the file of LXV Addl. City Civil & Sessions Judge, Bengaluru City (CCH-66).



ii. Set aside the portion of the order dtd: 13.11.2025 made in Crl.Appl. No.1283/2023 on the file of LXV Addl. City Civil & Sessions Judge, Bengaluru City (CCH-66), in so far as it relates to remanding the matter to the Trial Court for further trial and evidence in the matter and to allow the Criminal Appl. No.1283/2023 in its entirety and to acquit the petitioners / accused in C.C.No.8965/2021 on the file of XXXVIII ACMM, Bengaluru under Sec.138 of the N.I. Act and to set them free.

iii. Or in the alternative set aside the observation and suggestion / direction dtd:13.11.2025 given by the Learned LXV Addl. City Civil & Sessions Judge, Bengaluru City (CCH-66) in favour of the complainant / respondent herein, in Crl.Appl.No.1283/2023, (Paras 45 & 47 of the Judgment), made in favour of the complainant, being arbitrary, erroneous, not maintainable and opposed to law equity and justice.

iv. Grant such other and further reliefs as are just even including the costs of this petition in the interest of justice and equity."

2. Heard the learned counsel for the parties.

3. The facts leading to the filing of this Criminal revision petition narrated briefly are, the respondent had initiated proceedings against the petitioners herein for the offence punishable under Section 138 of the Negotiable Instruments Act (for short 'NI Act') before the jurisdictional



Magistrate in C.C.No.8965/2021. In the said proceedings, the Trial Court had convicted and sentenced the petitioners for the offence punishable under Section 138 of the NI Act.

4. Aggrieved by the same, the petitioners had filed Crl.A.No.1283/2023 before the LXV Additional City Civil and Sessions Judge, Bengaluru City (CCH-66). The said appeal was allowed by judgment and order dated 13.11.2025 and the matter was remitted to the Trial Court for fresh disposal of C.C.No.8965/2021.

5. Aggrieved by the said judgment and order dated 13.11.2025 passed in Crl.A.No.1283/2023, the accused are before this Court.

6. Learned Senior Counsel appearing for the petitioners submits that, the Appellate Court has remanded the matter to the Trial court on the ground that the Trial Court ought not to have permitted the accused to file their affidavit in lieu of examination-in-chief. He submits that while remanding the matter on the said ground, the Appellate Court has made observations touching upon the merits of the case, which would prejudice the case of the petitioners herein and accordingly,



has referred to paragraph Nos.43 to 46 of the impugned order passed in Crl.A.No.1283/2023 by the Appellate Court.

7. Per contra, learned counsel appearing for the respondent submits that after the matter was remanded, the Trial Court has proceeded with the trial and has already recorded the evidence of PW.2. Therefore, at this stage, it is not necessary to interfere with the impugned judgment and order dated 13.11.2025 passed in Crl.A.No.1283/2023. Accordingly, he prays for dismissal of the petition.

8. The Appellate Court vide the impugned judgment and order dated 13.11.2025 passed in Crl.A.No.1283/2023, has remanded the matter to the Trial Court with a direction for fresh disposal of the case, subject to observations made in the operative portion of the order impugned, on the ground that Trial Court was not justified in permitting the accused to file their affidavit in lieu of examination-in-chief. However, the Appellate Court while remanding the matter to the Trial Court on this ground has made certain observations in paragraph Nos.43 to 46 which, according to the learned Senior Counsel, touches the merits of the case and the said observations are



likely to prejudice the case of the accused before the Trial Court.

9. Under the circumstances, I am of the opinion that if this Criminal revision petition is disposed of with a direction to the Trial Court to dispose of C.C.No.8965/2021 afresh, without being influenced by the observations made by the Appellate Court in paragraph Nos.43 to 46 of the order impugned, the same would serve the ends of justice. Accordingly, the following:

ORDER

- i. The Criminal Revision petition is disposed of, confirming the impugned judgment and order of remand passed by the Appellate Court in Crl.A. No.1283/2023.
2. It is made clear that the Trial Court shall dispose of C.C.No.8965/2021 on merits, without being influenced by any of the observations made by the Appellate Court in paragraph Nos.43 to 46 of the order passed in Crl.A.No.1283/2023.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

SMC/List No.: 1 SI No.: 38