



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 23RD DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
CRIMINAL REVISION PETITION NO. 164 OF 2025

BETWEEN:

KAMAL PASHA
S/O ANWAR PASHA
AGED ABOUT 54 YEARS
R/AT AHMED NAGARA
HUNSUR TOWN MYSURU
DISTRICT - 571 105.

...PETITIONER

(BY SRI SYED ARIF PASHA, ADV., FOR
SRI LETHIF B, ADV.)

AND:

G. LOKESH
S/O GOVINDEGOWDA
AGED ABOUT 45 YEARS
R/AT NO.192, STORE STREET
HUNSUR TOWN MYSURU
DISTRICT - 571 105.

...RESPONDENT

(BY SRI ARAVIND KUMAR A, ADV.)

THIS CRL.RP IS FILED U/S 397 R/W 401 CR.PC (FILED U/S 438 R/W 442 BNSS) PRAYING TO SET ASIDE THE JUDGMENT AND ORDER OF CONVICTION DATED 13.12.2024 PASSED BY THE VIII ADDL.DISTRICT AND SESSIONS JUDGE AT MYSURU SITTING AT HUNSUR IN CRL.A.NO.116/2020 AND CONFIRMED THE ORDER OF CONVICTION IN C.C.NO.964/2015 PASSED BY THE ADDL.SENIOR CIVIL JUDGE AND J.M.F.C AT HUNSUR DATED 04.03.2020.

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 petition filed under Section 397 R/w 401 of Cr.P.C with a prayer to set aside the judgment and order of conviction and sentence passed in C.C.No.964/2015 dated 04.03.2020 by the Court of Addl. Senior Civil Judge & JMFC, Hunsur and the judgment and order passed in Criminal Appeal No.116 of 2020 dated 13.12.2024 by the Court of VIII Addl. District & Sessions Judge, Mysuru (sitting at Hunsur)

2. Heard the learned counsel appearing for the parties.

3. Respondent herein has initiated criminal proceedings against the petitioner before the Court of Magistrate in C.C.No.964/2015 for offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'N.I. Act'). In the said case, petitioner was convicted and sentenced to pay fine of ₹.62,000/- and in default to undergo simple imprisonment for a period of 6 months. The said judgment and order of conviction and sentence passed by the



Trial Court in C.C.No.964/2015 has been confirmed by the Appellate Court in Criminal Appeal No.116 of 2020 by judgment and order dated 13.12.2024. Assailing the concurrent findings recorded by the Courts below, the petitioner is before this Court.

4. Perusal of the material on record would go to show that, complainant has approached the jurisdictional Court of Magistrate alleging that petitioner, who is his acquaintance had borrowed a sum of ₹60,000/- for his necessities and towards repayment of the said amount he had issued the cheque in question for a sum of ₹.60,000/-. The said cheque, when presented for realisation, was dishonoured by the drawee bank with a shara "account closes". The legal notice that was issued on behalf of the respondent thereafter was served on the petitioner and since the petitioner had failed to repay the amount covered under the cheque in question, he had approached the Court.

5. To substantiate his case, complainant has examined himself as PW1. ExP1 is the cheque in question and Ex.P2 is the



bank endorsement. The copy of the legal notice is produced as Ex.P3 and copy of the complaint is produced as Ex.P7. Signature of the petitioner found in the cheque in question is not in dispute and it is also not dispute that cheque was drawn on the bank account of the petitioner. The said cheque when presented for realisation was dishonoured with shara "Funds insufficient". Under the circumstances, presumption as provided under Section 139 read with Section 118 of N.I. Act arises against the petitioner, which unless rebutted in accordance with law will lead to conviction of the petitioner. In the present case, the petitioner has failed to put forward a probable defence and rebut the presumption that arose against him as aforesaid.

6. The Trial Court as well as the Appellate Court having appreciated the aforesaid aspects of the matter have rightly convicted the petitioner for offence punishable under Section 138 of N.I. Act. Even the order of sentence passed against the petitioner by the Courts below is just and proper. Under the circumstances, I do not find any good ground to entertain this petition.



7. Accordingly, the petition is dismissed .

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

NMS
List No.: 1 SI No.: 43