



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL REVISION PETITION NO. 212 OF 2022

(397(Cr.PC) / 438(BNSS))

BETWEEN:

N.S.DEVARAJU
S/O NANJAPPA @ RAJKUMAR
AGED ABOUT 35 YEARS
R/AT No. 65, KAVERINAGAR,
BELVATHA ROD,
MYSURU-570015.

...PETITIONER

(BY SRI. NAGARJUN J., ADVOCATE FOR
SRI. JAGADEESH C.M., ADVOCATE)

AND:

STATE BY MANDI POLICE,
MYSURU
REPRESENTED BY
PUBLIC PROSECUTOR
STATE OF KARNATAKA
HIGH COURT BUILDING
BENGALURU-560001.

...RESPONDENT

(BY SRI. K.NAGESHWARAPPA, HCGP)

THIS CRL.RP IS FILED U/S.397 R/W 401 CR.P.C.
PRAYING TO SET ASIDE THE JUDGMENT OF CONVICTION AND
SENTENCE PASSED BY THE HON'BLE II ADDITIONAL DISTRICT
AND SESSIONS JUDGE AT MYSURU IN CRL.A.No.384/2019
DATED 28.09.2021 AND SET ASIDE THE JUDGMENT OF





CONVICTION AND SENTENCE PASSED BY THE HON'BLE I ADDITIONAL SENIOR CIVIL JUDGE AND C.J.M., AT MYSURU IN C.C.No.222/2011 DATED 11.11.2019 FOR THE OFFENCE P/U/S.408 AND 420 OF IPC AND ACQUIT THE PETITIONER FOR THE CHARGES LEVELED AGAINST HIM.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri Nagrajun J., learned counsel appearing on behalf of Sri Jagadeesh C.M., counsel for the revision petitioner and Sri K. Nageshwarappa, learned High Court Government Pleader for the respondent/State.

2. Accused has been convicted for the offences punishable under Section 409 and 420 of Indian Penal Code and sentenced to undergo imprisonment of one year with fine in C.C.No.222/2011. After the prosecution successfully established that the accused being the employee of M/s. Securitrans Indian Private Limited, Bengaluru which was rendering the services to Axis Bank and petitioner said to having misappropriated sum of Rs.3,30,801/- payable to the Mysore City Corporation, he has been convicted for the offences punishable under Section 409 and 420 of Indian Penal Code.



However, petitioner said to have repaid the said amount to the Mysore City Corporation after receiving the same from M/s. Securitrans India Private Limited.

3. In other words, repayment of Rs.3,30,801/- by Axis Bank after receiving the same from M/s. Securitrans India Private Limited, it concludes that there was a misappropriation committed by the petitioner herein though it was temporary.

4. Material documents placed on record amply established the misappropriation of Rs.3,30,801/-. Thus, having regard to the scope of revision petition, the order of conviction recorded by the learned Trial Magistrate, confirmed by the First Appellate Court needs no interference that too in the limited revisional jurisdiction.

5. At this stage, Sri Nagarjun, learned counsel for the revision petitioner would submit that petitioner is the first time offender and is now well settled and is doing the job in APMC., Mysore as a broker and eking out his livelihood in a decent manner and therefore sought for showing lenience in modifying the sentence of imprisonment by enhancing the fine amount reasonably.



6. Learned High Court Government Pleader opposes the same on the ground that there is a breach of trust committed by the accused and therefore, no mercy can be shown.

7. He would further contend that if any leniency is shown to the petitioner, similarly placed perpetrators of the crime would get encouraged and which sends bad message to the society at large and thus sought for dismissal of the revision petition in *toto*.

8. Having noticed the fact that the misappropriated amount is paid long back, which has been admitted by PW1 being the officer of the Axis Bank and not denied by the Mysore City Corporation, taking note of the fact that the petitioner is a first time offender, this Court is of the considered opinion that if the petitioner is directed to undergo simple imprisonment for the day till the raising of the Court by paying enhanced fine amount of Rs.75,000/- ends of justice would be met.

9. Out of the fine amount recovered, if sum of Rs.50,000/- is ordered to be paid as compensation to the Mysore City Corporation, ends of justice would be served better.



10. Accordingly, the following:

ORDER

- (i) Criminal Revision Petition is ***allowed in part.***
- (ii) While maintaining the conviction of the accused for the offences punishable under Section 408 and 420 of Indian Penal Code, in modification of the sentence ordered by the learned Trial Magistrate, confirmed by the First Appellate Court, petitioner is directed to undergo simple imprisonment for the day till the raising of the Court by paying enhanced fine amount of Rs.75,000/- on or before 20.05.2026.
- (iii) Failure to pay the enhanced fine amount, petitioner shall undergo imprisonment as ordered by the learned Trial Magistrate, confirmed by the First Appellate Court for the proved offences.
- (iv) On receipt of the fine amount, sum of Rs.50,000/- is ordered to be paid as



compensation to the Mysore City Corporation under due identification.

- (v) Office is directed to return Trial Court records with copy of this order forthwith for issue of modified conviction warrant.

SD/-
(V SRISHANANDA)
JUDGE

MR
List No.: 2 SI No.: 74