



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL REVISION PETITION NO. 264 OF 2025

BETWEEN:

1. MRS DIVYA,
AGED ABOUT 36 YEARS,
W/O MR. SUDHARSHAN,
D.NO. 7-59/2, NEAR SARASWATHI FRIENDS CLUB,
SARIPALLA, PADIL POST, ALAPE VILLAGE,
MANGALURU - 575 007.

...PETITIONER

(BY SRI.VENKATESH SOMAREDDI, ADVOCATE FOR;
SRI.MELWYN DAVID MASCARENHAS, ADVOCATE)

AND:

1. M/S JAYAMBIKA CHITS (P) LTD,
OFFICE SITUATED AT B WING,
5 TH FLOOR, RAMBHAVAN COMPLEX,
KODIALBAIL, MANGALURU -575 003.

REPRESENTED BY ITS GPA HOLDER,
MR. RAGHUNATHA A,
SON OF DOOMAPPA SHETTY,
AGED ABOUT 49 YEARS,
WORKING AS LEGAL CO-ORIGINATOR IN
M/S. JAYAMBIKA CHITS (P) LTD.,
MANGALURU.

...RESPONDENT

(BY SRI.SHARATH KUMAR H.N, ADVOCATE FOR;
SRI.K RAVISHANKAR, ADVOCATE)





THIS CRL.RP IS FILED U/S 397 R/W 401 CR.PC (FILED U/S 438 R/W 442 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO 1.SET ASIDE THE JUDGMENT AND ORDER OF CONVICTION DATED 22.11.2024 PASSED BY THE COURT OF J.M.F.C V COURT, D.K MANGALURU IN CRL.CASE NO.169/20222.

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.PC with a prayer to set aside the order dated 13.01.2025 passed on I.A.No.2 in Crl.A.No.6/2025 by the Court of IV Additional District and Sessions Judge, Mangaluru.

2. Heard the learned counsel for the parties.

3. Petitioner who was convicted by the Trial Court in C.C.No.169/2022 by judgment and order dated 22.11.2024 for the offence punishable under Section 138 of the Negotiable Instrument Act, 1881 (for short 'N.I.Act') had filed Crl.A.No.6/2025 before the Court of IV Additional



District and Session Judge, Mangaluru, challenging the same. Along with the said appeal, I.A.No.2 was filed with a prayer to condone the delay of seven days caused in filing the appeal. The Appellate Court vide the impugned order has dismissed I.A.No.2 and consequently, also dismissed the criminal appeal. Aggrieved by the said order, the accused/petitioner is before this Court.

4. Perusal of the material on record would go to show that accused has been convicted and sentenced by the Trial Court in C.C.No.169/2022 by judgment and order dated 22.11.2024 for offence punishable under Section 138 of the N.I.Act and she has been sentenced to pay fine of Rs.6,42,401/- (Rupees Six Lakhs Forty Two Thousand Four Hundred and One only) and in default to undergo simple imprisonment for a period of three months.

5. It is as against this judgment and order of conviction and sentence passed by the Trial Court in C.C.No.169/2022 the petitioner has filed CrI.A.No.6/2025



before the Appellate Court along with I.A.No.2 with a prayer to condone delay of seven days caused in filing the appeal. The Appellate Court has dismissed the said application without even appreciating that the appeal was filed by the petitioner against the judgment and order of conviction and in such cases, the courts are required to be lenient while considering applications for condonation of delay. Unfortunately, the Appellate Court has failed to appreciate this aspect of the matter.

6. Under the circumstances, the impugned order passed by the Appellate Court cannot be sustained. Accordingly, the following:

ORDER

- i. The Criminal revision petition is ***allowed***.
- ii. The impugned order dated 13.01.2025 passed on I.A.No.2 in Crl.A.No.6/2025 by the Court of IV Additional District and Sessions Judge,



**NC: 2026:KHC:12356
CRL.RP No. 264 of 2025**

Mangaluru is set aside and the Criminal
appeal is restored to file.

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

KVR
List No.: 1 SI No.: 33