



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 311 OF 2013 (A)

C/W

CRIMINAL APPEAL NO. 310 OF 2013 (A)

CRIMINAL APPEAL NO. 312 OF 2013 (A)

IN CRL.A No. 311/2013

BETWEEN:

1. M/S COPSOL INDIA PVT LTD
REP. BY ONE OF THE PARTNER
MR. T.KRISHNA NAIK
S/O THULASI NAYAK
AGED ABOUT 45 YEARS
R/AT NO.19/20, GUDDE
ANJANESYASWAMY TEMPLE ROAD
KOTEKENGARI, BANGALORE.

...APPELLANT

(BY SRI. NAGARAJA HEGDE, ADVOCATE)

AND:

1. SRI. HUSSAIN MUEEN FAROOQ
S/O SRI.K.M.HUSSAIN
MAJOR
2. SRI. KHASSIM MOHAMMAD HUSSAIN
S/O LATE MOHAMMA HUSSAIN
MAJOR





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3. SRI. ABDUL KHADIR JEELANI
S/O SRI. KHAASSIM MOHAMMAD HUSSAIN
MAJOR

ALL ARE R/AT NO.47, SHRAVANTHI ETHI ENCLAVE
3RD CROSS, G.M.R.LAYOUT, GEDDALAHALLI
BANGALORE.

...RESPONDENTS

(BY SRI. M.R.BALAKRISHNA, ADVOCATE FOR R1 TO R3)

THIS CRL.A. IS FILED U/S 378(4) CR.P.C. PRAYING TO
SET ASIDE THE ORDER DATED 12.11.2010 PASSED BY THE
PRL. CITY CIVIL AND SESSIONS JUDGE, BANGALORE IN
CRL.R.P.NO.25091/2010 - ACQUITTING THE RESPONDENTS
FOR THE OFFENCE PUNISABLE UNDER SECTION 138 OF
N.I.ACT.

IN CRL.A NO. 310/2013

BETWEEN:

1. M/S COPSOL INDIA PVT LTD
REP. BY ONE OF THE PARTNER
MR. T.KRISHNA NAIK
S/O THULASI NAYAK
AGED ABOUT 45 YEARS
R/AT NO.19/20, GUDDE
ANJANESYASWAMY TEMPLE ROAD
KOTEKENGARI, BANGALORE.

...APPELLANT

(BY SRI. NAGARAJA HEGDE, ADVOCATE)

AND:

1. SRI. HUSSAIN MUEEN FAROOQ
S/O SRI.K.M.HUSSAIN



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MAJOR

2. SRI. KHASSIM MOHAMMAD HUSSAIN
S/O LATE MOHAMMA HUSSAIN
MAJOR
3. SRI. ABDUL KHADIR JEELANI
S/O SRI. KHASSIM MOHAMMAD HUSSAIN
MAJOR

ALL ARE R/AT NO.47, SHRAVANTHI ETHI ENCLAVE
3RD CROSS, G.M.R.LAYOUT, GEDDALAHALLI
BANGALORE.

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THIS CRL.A. IS FILED U/S 378(4) CR.P.C. PRAYING TO
SET-ASIDE THE ORDER DATED 12.11.2010 PASSED BY THE
PRL. CITY CIVIL AND SESSIONS JUDGE, BANGALORE IN
CRL.R.P.NO.25085/2010 - ACQUITTING THE RESPONDENT
FOR THE OFFENCE PUNISHABLE UNDER SECTION 147 OF
N.I.ACT.

IN CRL.A NO. 312/2013

BETWEEN:

1. M/S COPSOL INDIA PVT LTD
REP. BY ONE OF THE PARTNER
MR. T.KRISHNA NAIK
S/O THULASI NAYAK
AGED ABOUT 45 YEARS
R/AT NO.19/20, GUDDE
ANJANESYASWAMY TEMPLE ROAD



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KOTEKENGGERI, BANGALORE.

...APPELLANT

(BY SRI. NAGARAJ HEGDE, ADVOCATE)

AND:

1. SRI. HUSSAIN MUEEN FAROOQ
S/O SRI.K.M.HUSSAIN
MAJOR
2. SRI. KHASSIM MOHAMMAD HUSSAIN
S/O LATE MOHAMMA HUSSAIN
MAJOR
3. SRI. ABDUL KHADIR JEELANI
S/O SRI. KHASSIM MOHAMMAD HUSSAIN
MAJOR

ALL ARE R/AT NO.47, SHRAVANTHI ETHI ENCLAVE
3RD CROSS, G.M.R.LAYOUT, GEDDALAHALLI
BANGALORE.

...RESPONDENTS

(BY SRI. M.R.BALAKRISHNA, ADVOCATE FOR R1 TO R3)

THIS CRL.A. IS FILED U/S 378(4) CR.P.C. PRAYING TO
SET-ASIDE THE ORDER DATED 12.11.2010 PASSED BY THE
PRL. CITY CIVIL AND S.J., BANGALORE IN
CRL.R.P.NO.25097/2010 - ACQUITTING THE RESPONDENT
FOR THE OFFENCE P/U/S 147 OF N.I.ACT.

THESE APPEALS, COMING ON FOR ADMISSION, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA



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ORAL JUDGMENT

Since these appeals arise out of the order passed by the Additional District and Sessions Judge, FTC-III in Crl.R.P.Nos.25091/2010, 25085/2010 and 25097/2010, between same parties, they are disposed of by common judgment.

2. Brief facts leading to these appeals are that, the appellant/complainant had filed complaints under Section 138 of N.I. Act as to the dishonour of three cheques bearing Nos.113041 dated 15.04.2008 for a sum of Rs.5,00,00,000/-, 990391 dated 15.04.2008 for a sum of Rs.2,00,00,000/- and 858372 dated 12.11.2008 for a sum of Rs.2,00,00,000/-. When the cheques were presented for encashment, same were dishonoured for insufficient funds. Thereafter, demand notice was issued by the complainant to the accused. However, accused failed to pay the cheque amount. Hence, complainant had filed the complaints under Section 138 of N.I. Act. After filing the complaint, cases were registered in PCR Nos.12161/2008, 1/2009 and 12162/2008 The trial Court took cognizance against the accused in C.C.Nos.36700/2008,



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26001/2009 and 36699/2008 and summons were issued to the accused. In response to summons, accused appeared before the trial Court through Sri.DLL advocate and on 10.11.2008 application was filed under Section 205 of Cr.P.C. and the same was allowed by the trial Court and then case was posted to 11.12.2008. On 11.12.2008, accused remained absent. Exemption application was filed. Same was rejected and NBW was issued against the accused and case was posted to 15.01.2009. Thereafter, an advance application was filed to advance the case and accused had appeared before the trial Court and enlarged on bail. On 15.01.2009 accused remained absent. Exemption application was filed. Same was rejected by the trial Court and then, NBW was issued against the accused. Then, the case was adjourned from time to time. On 02.11.2010, respondents filed CrI.R.P.Nos.25091/2010, 25085/2010 and 25097/2010 challenging the order of process issued against the accused/respondents before the PrI. District and Sessions Judge, Bengaluru. Principal City Civil and Sessions Judge had made over these cases to Additional Judge, FTC-3 for disposal in accordance with law.



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3. In CrI.R.P.No.25091/2010, the case was referred to the Additional Judge, sitting in the Court Hall No.FTC-3 and the case was posted to 02.11.2010. The learned Sessions Judge passed an order and stayed the further proceedings in C.C.No.36700/2008 and case was posted to 08.11.2010. Learned Sessions Judge had not passed any order to issue notice to the complainant. On 08.10.2010, learned counsel for the accused filed advance application under Section 309 of Cr.P.C. and the matter was posted to 12.11.2010. On 12.11.2010, learned Sessions Judge passed the following order:

"Heard on S 5of L Act, Respondent submits no objection memo to S5 L Act. Heard IA to condone delay is allowed. Advocate for respondent also filed copy of POA and filed Memo of No objection to allow to R.P. filed by Revision Petitioner: Heard, perused the revision petition. Application U/Sec. 147 also filed. Heard the R/P and the respondent have entered into the compromise and settled the dispute out of Court.

Heard, respondent/complainant is permitted to complaint the offence U/Sec. 147 of NI Act. Heard the order. The application filed under Section 147 of NI Act by R/P/Accused and Respondent/complainant is allowed. The impugned order dated 25.10.2008, in C.C. No.36700/08 is set-aside by allowing the criminal



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revision petition in terms of the compromise petition under section 147 of NI Act. Consequently the R/P accused is acquitted under section 147 Cr.P.C. intimate lower court accordingly."

4. In Crl.R.P.No.25085/2010, the case was referred to the Additional Judge, No.FTC-III and was posted to 14.10.2010. Learned Sessions Judge has passed the order to issue notice to respondent on I.A.I to hear on limitation and posted the matter 28.10.2010. On 28.10.2010, learned counsel filed an application under Section 5 of Limitation Act. This case was posted to 12.11.2010. On 08.11.2010, case was advanced at the request of learned counsel for the respondent and then case was posted to 12.11.2010. On 12.11.2010, learned Sessions Judge passed the following:

"Heard on S 5 of L Act, Respondent submits no objection memo to S5 L Act. Heard IA to condone delay is allowed. Advocate for respondent also filed copy of POA and filed Memo of No objection to allow to R.P. filed by Revision Petitioner:

Heard, perused the revision petition.

Application U/Sec. 147 also filed.

Heard the R/P and the respondent have entered into the compromise and settled the dispute out of Court.



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Heard, respondent/complainant is permitted to complaint the offence U/Sec. 147 of NI Act. Heard the order. The application filed under Section 147 of NI Act by R/P/Accused and Respondent/complainant is allowed. The impugned order dated 18/12/2008, in C.C. No. 26001/09 is set-aside by allowing criminal revision petition in terms of the compromise petition under section 147 of NI Act. Consequently the R/P accused is acquitted under section 147 Cr.P.C. intimate lower court accordingly."

5. In Crl.R.P.No.25097/2010, the case was referred to the Additional Judge, No.FTC-III and was posted to 08.10.2010. On 08.10.2010, the matter was adjourned to 12.11.2010. On 12.11.2010, the learned Sessions Judge passed the following:

"Advocate NR filed Vakalath for respondent Heard on S Sof L. Act, Respondent submits no objection memo to S5 L Act. Heard IA to condone delay is allowed. Advocate for respondent also filed copy of POA and filed Memo of No objection to allow to R.P. filed by Revision Petitioner:

Heard, perused the revision petition.

Application U/Sec. 147 also filed.

Heard the R/P and the respondent have entered into the compromise and settled the dispute out of Court.



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Heard, respondent/complainant is permitted to complaint the offence U/Sec. 147 of NI Act. Heard the order. The application filed under Section 147 of NI Act by R/P/Accused and Respondent/complainant is allowed. The impugned order dated 18/12/2008, in C.C. No. 26001/09 is set-aside by allowing the criminal revision petition in terms of the compromise petition under section 147 of NI Act. Consequently the R/P accused is acquitted under section 147 Cr.P.C. intimate lower court accordingly."

6. Being aggrieved by these impugned orders, the complainant/appellant has preferred these appeals.

7. Learned counsel for the appellant would submit that revision petition filed before the Fast Track Court-III, Mayo Hall Unit are not at all maintainable. The grounds urged in the revision petition before the Fast Track Court-III are not tenable to entertain the revision petition. There was no procedural defect in taking cognizance by the trial Court. The respondents have appeared before the trial Court and obtained bail. Later respondents/accused instead of contesting the matter before the trial Court have filed criminal revision petitions under Section 397 of Cr.P.C. The Fast Track Court-III, Mayo Hall, Bengaluru failed to consider the fact that whether any Court



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notice was issued or served to the complainant/appellant. The Fast Track Court-III, Mayo Hall, Bengaluru passed the impugned order in view of application filed under Section 147 of N.I. Act. The respondents have played a fraud before the Fast Track Court-III, Mayo Hall, Bangalore by creating General Power of Attorney and on the basis of General Power of Attorney, the criminal revision petitions came to be allowed on 12.11.2010 and the entire proceedings in C.C.Nos.36700/2008, 26001/2009 and 36699/2008 before the XIV ACMM, Bengaluru came to be set aside. Consequently, respondents/accused have been acquitted for offence under Section 138 of NI Act.

8. Further, it is submitted that the appellant-company has not executed any General Power of Attorney to Mr.Suresh Babu much less they do not know who Suresh Babu is. Further, the General Power of Attorney is fabricated and concocted by the respondents/accused and forged the signature of the partners of the appellant-company on the GPA and even the original GPA is not produced before the Court. Only colour xerox copy of the GPA is produced before the Court in all



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criminal revision petitions. On all these grounds, prays to allow the appeals.

9. As against this, the learned counsel for the respondents would submit that the Power of Attorney executed by the complainant has not challenged by them till this day. The learned Sessions Judge has considered the application filed under Section 147 of NI Act. Hence, there are absolutely no grounds to interfere with impugned orders passed by the learned Sessions Judge and sought for dismissal of the appeals.

10. Having heard the arguments on both sides, the following points would arise for my consideration:

1. Whether the appellants in CrI.A.Nos.311/2013, 310/2013 and 312/2013 have made out a ground to interfere with the impugned orders passed by the learned Sessions Judge?

2. What order?

11. My answer to the above points is:

Point No.1 : In the affirmative

Point No.2 : As per final order.



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12. I have examined the materials placed before this Court. On perusal of the order sheet pertaining to the trial Court, it is crystal clear that the respondents are represented by the advocate and were also physically appeared before the trial Court and enlarged on bail. Thereafter, the accused did not appear before the Court and NBW was issued against them. When NBW was pending, the respondents/accused preferred three CrI.R.P.Nos.25091/2010, 25085/2010 and 25097/2010 before the Sessions Court. In all the three cases, notices were not served to the complainant. Before service of notice to the complainant, the alleged power of attorney holder of the complainant has appeared before the Sessions Court by filing advance application and the cases were advanced. It is submitted that the original power of attorney said to have been executed by the complainant is not produced before the Sessions Court. However, the Sessions Court has allowed the application filed under Section 147 of NI Act in all the three cases i.e., CrI.R.P.Nos.25091/2010, 25085/2010 and 25097/2010.



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13. In Crl.R.P.Nos.25091/2010 and 25097/2010, an application was filed under Section 147 of NI Act. It is extracted as under:

"The above named respondents in the above case most respectfully submits as follows:

It is submitted that the petitioners and respondents has settled the complaint given by the respondents in out side the Court amicably by taking the words of the well wishers of the both parties.

It is further submitted that the offence which is committed by the petitioners is non compoundable. Hence the respondent is seeking the permission to withdraw the complaint given by the respondent be also acquit the petitioners.

WHEREFORE: It is most respectfully prays that this Hon'ble Court be pleased to dismissed the complaint given by the respondent as not pressed and also by allowing the Revision Petition filed by the petitioners in the interest of justice."

14. On the basis of these applications, the trial Court has passed the impugned orders.

15. A perusal of application under Section 147 of N.I. Act, it makes crystal clear that the present complainant has not appeared before Sessions Court. It has not put its signature on



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the compromise application under Section 147 of NI Act. The Learned Sessions Judge has not passed any order to permit this Special Power of Attorney Holder Mr. Suresh Babu, to appear on behalf of the complainant.

16. After noticing this alleged act of respondents, the present appellant has filed complaint before the XI ACMM, Bengaluru in PCR No.247/2011. The case was referred to concerned police for investigation. After investigation, the I.O. has submitted the charge sheet against the accused no.1-Hussain Mueen Farooz, accused No.2-Khassim Mohammad Hussain, accused no.3-Abdul Khadir Jeelani, accused no.4-Suresh Babu, accused no.5-Nagaraj H., accused no.6-Manjunath R., accused no.7-Sudha B., accused no.8-K.Kannan, accused no.9-Syed Abdulla Khazi and accused no.10-Gopalkrishna L. for the offences punishable under Sections 120(b), 419, 420, 423, 465, 468, 470, 471, 472, 475 read 34 of IPC. In charge sheet at Cl.No.17, it is stated as under:

"ಈ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿಯ ಅಂಕಣ 12 ರಲ್ಲಿ ನಮೂದಿಸಿರುವ ಎ1, ಎ2 ಮತ್ತು ಎ3 ಆರೋಪಿಗಳು ಮೆ||ಅಂಬಾಸಡರ್ ಎಜುಕೇಷನಲ್ ಮತ್ತು ಎಫ್ಲಾಯ್ ಮೆಂಟ್ ಟ್ರಸ್ಟ್‌ನ ನಿರ್ದೇಶಕರುಗಳಾಗಿದ್ದು, ಸದರಿ ಆರೋಪಿಗಳು ಸ್ಲಾಕ್-1, 2 ಮತ್ತು 3 ರವರಿಗೆ ಮತ್ತು ಅವರ ಕಂಪನಿಗೆ ವಂಚಿಸುವ ಸಮಾನ ಉದ್ದೇಶದಿಂದ



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ದಿನಾಂಕ:21/02/2008 ರಂದು ಸಾಕ್ಷಿ-1, 2 ಮತ್ತು 3 ರವರು ಪಾಲುದಾರರಾಗಿರುವ ಮೆ||ಕಾಪ್‌ಲ್ ಇಂಡಿಯಾ ಪ್ರೈ.ಲಿ. ಕಂಪನಿಯೊಂದಿಗೆ ವ್ಯವಹರಿಸಿ ಕೋಲಾರ ಜಿಲ್ಲೆಯ ಕಾಮಸಮುದ್ರ ಗ್ರಾಮದಲ್ಲಿ ತಮ್ಮ ಟ್ರಸ್ಟಿಗೆ ಶಾಲಾ ಕಟ್ಟಡವೊಂದನ್ನು ನಿರ್ಮಿಸಿ ಕೊಡುವಂತೆ ಅದಕ್ಕೆ ಪ್ರತಿಯಾಗಿ ಹಣ ನೀಡುವುದಾಗಿ ಸಾಕ್ಷಿ-1, 2 ಮತ್ತು 3 ರವರ ಕಂಪನಿಯೊಂದಿಗೆ ಕರಾರು ಪತ್ರ ಮಾಡಿಕೊಂಡಿರುತ್ತಾರೆ. ಸದರಿ ಕರಾರಿನಂತೆ ಸಾಕ್ಷಿ-1, 2 ಮತ್ತು 3 ರವರು ಕಟ್ಟಡವನ್ನು ನಿರ್ಮಿಸಿ ಕೊಟ್ಟಿದ್ದು, ಆರೋಪಿತರು ಅದಕ್ಕೆ ಪ್ರತಿಯಾಗಿ 9 ಕೋಟಿ ರೂಗಳಿಗೆ ಚೆಕ್‌ಗಳನ್ನು ನೀಡಿದ್ದು, ಸದರಿ ಚೆಕ್‌ಗಳನ್ನು ಬ್ಯಾಂಕಿಗೆ ಹಾಕಿದಾಗ ಖಾತೆಯಲ್ಲಿ ಹಣವಿಲ್ಲವೆಂದು ಚೆಕ್‌ಗಳು ಬ್ಯಾಂಕಿನಿಂದ ವಾಪಸ್ ಬಂದಿರುತ್ತವೆ. ಈ ಸಂಬಂಧ ಸಾಕ್ಷಿ-1, 2 ಮತ್ತು 3 ರವರು ಎ1, ಎ2 ಮತ್ತು ಎ3 ಆರೋಪಿತರ ವಿರುದ್ಧ ಮಾನ್ಯ 14ನೇ ಎ.ಸಿ.ಎಂ.ಎಂ ನ್ಯಾಯಾಲಯದ Crl.R.P.No.25085/10, Crl.R.P.No.25091/10, Crl.R.P.No.25097/10 ರಲ್ಲಿ ಚೆಕ್ ಬೌನ್ಸ್ ದಾವೆ ಹೂಡಿರುತ್ತಾರೆ. ಸದರಿ ಪ್ರಕರಣವು ಮಾನ್ಯ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ವಿಚಾರಣೆಯಲ್ಲಿರುವ ಸಮಯದಲ್ಲಿ ಆರೋಪಿತರುಗಳಾದ ಎ1, ಎ2, ಎ3, ಎ4, ಎ5, ಎ6, ಎ7, ಎ8, ಎ9 ಮತ್ತು ಎ10 ರವರು ಸೇರಿಕೊಂಡು ಸಾಕ್ಷಿ-1, 2 ಮತ್ತು 3 ರವರಿಗೆ ಮತ್ತು ಅವರ ಕಂಪನಿಗೆ ವಂಚಿಸುವ ಸಮಾನ ಉದ್ದೇಶದಿಂದ ಅಪರಾಧಿಕ ಒಳಸಂಚನ್ನು ರೂಪಿಸಿಕೊಂಡು, ಸಾಕ್ಷಿ-1, 2 ಮತ್ತು 3 ರವರು ಸದರಿ ವ್ಯಾಜ್ಯವನ್ನು ಬಗೆಹರಿಸಿಕೊಳ್ಳುವ ಬಗ್ಗೆ ಎ-4 ಆರೋಪಿಗೆ ಜಿ.ಪಿ.ಎ ಮಾಡಿಕೊಟ್ಟಿರುವುದಾಗಿ ಸಾಕ್ಷಿ-1, 2 ಮತ್ತು 3 ರವರ ಸಹಿಗಳನ್ನು ಬಳಸಿಕೊಂಡು ಫೋರ್ಜರಿ ಮಾಡಿ, ನಕಲಿ ಜಿ.ಪಿ.ಎ ದಾಖಲಾತಿಯನ್ನು ಸುಳ್ಳು ಸೃಷ್ಟಿರುತ್ತಾರೆ. ಸದರಿ ದಾಖಲಾತಿಗಳು ನಕಲಿ ದಾಖಲಾತಿಗಳೆಂದು ತಿಳಿದೂ ಸಹ ಎ9 ಮತ್ತು ಎ10 ಆರೋಪಿಗಳು ಸದರಿ ದಾಖಲಾತಿಗಳ ಮೇಲೆ ನೋಟರಿ ಮಾಡಿಕೊಟ್ಟಿರುತ್ತಾರೆ. ಸದರಿ ಸುಳ್ಳು ಸೃಷ್ಟಿಸಿದ ನಕಲಿ ದಾಖಲಾತಿಗಳನ್ನು ಎ5, ಎ6, ಎ7 ಮತ್ತು ಎ8 ಆರೋಪಿಗಳು ತಾವು ಅರ್ಜಿದಾರರ ಮತ್ತು ಎದುರುದಾರರ ಪರ ವಕೀಲರುಗಳೆಂದು ಹೇಳಿಕೊಂಡು ಸುಳ್ಳು ಸೃಷ್ಟನೆಯ ದಸ್ತಾವೇಜನ್ನು ನೈಜವಾದುದೆಂದು ಬಳಸಿ, ಸದರಿ ಸುಳ್ಳು ಸೃಷ್ಟಿಸಿದ ದಾಖಲಾತಿಗಳನ್ನು ಆರೋಪಿಗಳೆಲ್ಲರೂ ಸೇರಿ ಬೆಂಗಳೂರು ನಗರ ಅಶೋಕನಗರ ಪೊಲೀಸ್ ಠಾಣೆಯ ಸರಹದ್ದಿನಲ್ಲಿರುವ ಮಾನ್ಯ ಎಫ್.ಟಿ.ಸಿ 3ನೇ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಿ, ಸಾಕ್ಷಿ-1, 2 ಮತ್ತು 3 ರವರು ಎ1, ಎ2 ಮತ್ತು ಎ3 ಆರೋಪಿಯ ವಿರುದ್ಧ



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ದಾಖಲಿಸಿದ್ದ ವ್ಯಾಜ್ಯವನ್ನು ಇತ್ಯರ್ಥಪಡಿಸಿಕೊಂಡು ಸಾಕ್ಷಿ-1, 2 ಮತ್ತು 3 ರವರಿಗೆ ಉದ್ದೇಶಪೂರ್ವಕವಾಗಿ ವಂಚಿಸಿರುವುದು ಸಾಕ್ಷ್ಯಾಧಾರಗಳಿಂದ ದೃಢಪಟ್ಟಿರುತ್ತದೆ.

ಆದ್ದರಿಂದ ಮೇಲ್ಕಂಡ ಎ1 ರಿಂದ ಎ10 ಆರೋಪಿಗಳು ಸಾಕ್ಷಿ-1, 2 ಮತ್ತು 3 ರವರಿಗೆ ಮತ್ತು ಅವರ ಕಂಪನಿಗೆ ವಂಚಿಸುವ ಸಮಾನ ಉದ್ದೇಶದಿಂದ ಅಪರಾಧಿಕ ಒಳಸಂಚನ್ನು ರೂಪಿಸಿಕೊಂಡು, ನಕಲಿ ದಾಖಲಾತಿಗಳನ್ನು ಸೃಷ್ಟಿಸಿ, ಅವುಗಳನ್ನು ನೈಜವಾದವುಗಳೆಂದು ಬಳಸಿ, ಮಾನ್ಯ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸುವ ಮೂಲಕ ವಂಚನೆ ಎಸಗಿ ಮೇಲ್ಕಂಡ ಕಲಂ ಗಳನ್ವಯ ಶಿಕ್ಷಾರ್ಹವಾದ ಅಪರಾಧವೆಸಗಿರುವುದು ದೃಢಪಟ್ಟಿರುವ ಕಾರಣ ಆರೋಪಿತರ ವಿರುದ್ಧ ಈ ದೋಷಾರೋಪಣೆ."

17. On perusal of these materials, prima facie it appears that the respondents have played fraud before the Fast Track Court-III, Mayo Hall, Bengaluru in Crl.R.P.Nos.25091/2010, 25085/2010 and 25097/2010. Learned Sessions Judge has not verified the General Power of Attorney said to have been executed by the complainant in favour of Suresh Babu. The trial Court has not passed any order as to alleged power of attorney holder of the complainant is permitted to enter into compromise on behalf of complainant-company. Learned Sessions Judge has blindly accepted the compromise petition filed under Section 147 of N.I. Act. Hence, the impugned orders are not sustainable under law.

18. In the result, I proceed to pass the following:



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ORDER

1. The appeals stand ***allowed*** with cost of Rs.5,000/- in each case.
2. Cost of Rs.5,000/- each shall be payable by respondents to the complainant on or before 26.03.2026.
3. The impugned order passed by the learned Sessions Judge in Crl.R.P.Nos.25091/2010, 25085/2010 and 25097/2010 dated 12.11.2010 are set aside.
4. C.C.Nos.36700/2008, 26001/2009 and 36699/2008 on the file of XIV ACMM, Bangalore shall be restored.
5. Both parties are directed to appear before the Trial Court on **26.03.2026** without seeking any further notice by the trial Court.
6. If the respondents who are accused before the trial Court fail to appear before the trial Court on 26.03.2026, the trial Court is directed to secure them by issuing non bailable warrant



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and thereafter the trial Court shall proceed with the case in accordance with law.

7. As the matter is of the year 2010, the trial court shall dispose of the case as early as possible.
8. It is submitted by the learned counsel for the appellant that it is not sure whether the trial Court has maintained the records or not. Hence, office is directed to return the certified copies of the impugned orders to the trial Court by retaining the certified copy of the same.
9. Registry is directed to send the copy of this order to the trial Court as well as Prl. District and Sessions Judge, Bengaluru.
10. Prl. District and Sessions Judge is directed to intimate to the Deputy Register and other concerned case workers to secure the records.
11. If the concerned Registrar has failed to secure the records, the PDJ is directed to take



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necessary steps to rebuild the records as per
the circular issued by the High Court of
Karnataka.

Sd/-
(G BASAVARAJA)
JUDGE

PGG
List No.: 1 SI No.: 1