



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL REVISION PETITION No.693 OF 2023

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

BETWEEN:

1. M/S TCS READY MIX
NO.18, 1ST FLOOR
KATRIGUPPE MAIN ROAD
BANASHANKARI 3RD STAGE
BENGALURU-560085
REPRESENTED BY ITS
PARTNER MR NARASIH MULU NAIDU.
2. MR NARASIH MULU NAIDU
AGED ABOUT 61 YEARS
PARTNER
M/S T C S REDDY MIX
NO.18, 1ST FLOOR
KATRIGUPPE MAIN ROAD
BANASHANKARI 3RD STAGE
BANGALORE-560085.
3. MR SHESHADRI
AGED ABOUT 57 YEARS
GENERAL MANAGER
(PRESENTLY NOT WORKING)
M/S T C S REDDY MIX
NO.18, 1ST FLOOR
KATRIGUPPE MAIN ROAD
BANASHANKARI 3RD STAGE





BANGALORE-560085.

...PETITIONERS

(BY SRI. MUNISWAMY GOWDA S G.,ADVOCATE)

AND:

M/S THRIVENI SANDS AND
AGGREGATES (LLP)
HEAD OFFICE AT NO.34
(OLD NO.115/116)
G N CHETTY ROAD
T NAGAR
CHENNAI-600017
ITS BRANCH/SALES
OFFICE AT NO.613, 1ST MAIN
6TH SECTOR, HSR LAYOUT
BENGALURU-560102
REPRESENTED BY
CUSTOMER RELATION OFFICER
SHRI N SUBRAMANIYAM
S/O R NAGARAJAN
AGED ABOUT 53 YEARS

...RESPONDENT

(BY SRI. HAREESH BHANDARY T.,ADVOCATE)

THIS CRL.RP IS FILED U/S.397 R/W 401 CR.P.C PRAYING TO SET ASIDE THE JUDGMENT AND ORDER DATED 01.04.2023 PASSED BY THE LIX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU IN CRL.A.NO.899/2022 CONFIRMING THE JUDGMENT OF CONVICTION AND SENTENCE AND AWARD OF COMPENSATION AGAINST THE PETITIONERS DATED 04.07.2022 PASSED IN C.C.NO.33215/2018 BY THE XXV ADDL.C.M.M., BENGALURU AND CONSEQUENTLY ALLOW THE PRESENT PETITION AND ACQUIT THE PETITIONERS.

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



CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri Samarth Moorthy, advocate for Sri Muniswamy Gowda S.G., learned counsel for the revision petitioners and Sri Hareesh Bhandary T., learned counsel for the respondent.

2. Perusal of the First Appellate Court's judgment in Crl.A.No.899/2022 would make it clear that discussion of the facts in paragraph 9 onwards pertain to some other case. Therefore, there is an error in passing the judgment.

3. Perhaps, the facts narrated in paragraph No.9 is in respect of some other case, has crept in the present case due to typographical error or mistake of stenographer.

4. Likewise, contents in paragraph Nos.18, 19 and 20 are in the respect of almost cases where the appeal would arise from a conviction order under Section 138 of the Negotiable Instruments Act.

5. Suffice to say that the First Appellate Court has not properly applied the judicial mind in passing the judgment dated 01.04.2023.



6. As such, and revision petition needs to be allowed by setting aside the order of the First Appellate Court and matter to be remitted to the First Appellate Court for fresh disposal in accordance with law.

7. Hence, the following:

ORDER

- (i) Revision Petition is ***allowed***.
- (ii) Order of the First Appellate Court confirming the conviction order passed by the learned Trial Magistrate for the offence punishable under Section 138 of the Negotiable Instruments Act, is hereby set aside.
- (iii) Matter is remitted to the First Appellate Court for fresh disposal in accordance with law.
- (iv) Parties shall appear before the First Appellate Court without further notice on ***15th April 2026***.

**Sd/-
(V SRISHANANDA)
JUDGE**

kcm
List No.: 1 Sl No.: 72