



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. 747 OF 2016

BETWEEN:

NAVEEN D'SOUZA
S/O SYMON D SOUZA
AGED ABOUT 30 YEARS
R/A PALOTTU
BEHIND ADAMARU JUNIOR COLLEGE
THENKA YERMALU VILLAGE
UDUPI TALUK AND DISTRICT - 574 115.

...PETITIONER

(BY SRI DILRAJ JUDE ROHIT SEQUEIRA, ADV.)

AND:

THE STATE REPRESENTED BY
THE UDUPI POLICE, REPRESENTED BY
THE STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE - 560 001.

...RESPONDENT

(BY SRI CHANNAPPA ERAPPA, HCGP)

THIS CRL.RP IS FILED U/S.397 R/W 401 CR.P.C PRAYING TO SET ASIDE THE IMPUGNED JUDGMENT AND ORDER OF CONVICTION ORDER DATED 13.04.2016 PASSED IN CRL.A.NO.4/2010 BY THE PRL. S.J., UDUPI AND SET ASIDE THE IMPUGNED JUDGMENT AND ORDER OF CONVICTION AS WELL AS SENTENCE DATED 27.01.2010 PASSED BY THE PRL. CIVIL JUDGE (Sr.Dn) AND CJM, UDUPI IN C.C.NO.3/2007, HOLDING IT ILLEGAL ERRONEOUS AND ABUSE OF PROCESS OF THE COURT.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY





ORAL ORDER

1. Accused No.1 is before this Court in this Court in this revision petition under Section 397 of Cr.P.C, R/w Section 401 of Cr.P.C, with a prayer to set aside the judgment and order dated 27.01.2010 passed in C.C.No.3/2007 by the Court of Principal Civil Judge (Sr.Dn), Udupi and the judgment and order dated 13.04.2016 passed by the Court of Principal Sessions Judge, Udupi in Crl.A.No.4/2010.

2. Heard the learned counsel appearing for the parties.

3. The petitioner herein along with two others was charge sheeted for the offence punishable under Section 420 R/w Section 34 of IPC and was tried for the said offences in C.C.No.3/2007 before the Court of Chief Judicial Magistrate, Udupi. It is the case of the prosecution that accused nos.1 to 3 with a common intention to obtain loan of Rs.14,84,000/- from Sriram Transport Finance Co., Ltd., for purchase of two heavy transport vehicles. The chassis and engine number of the two heavy vehicles, which were purchased by accused no.1 with the assistance of loan sanctioned to him by Sriram Transport



Finance Co., Ltd., were changed subsequently and body of a bus was built to the chassis purchased by accused no.1. Thereafter, the borrower had not repaid the loan amount and accordingly had cheated the Sriram Transport Finance Company Ltd, The Trial Court after appreciating the oral and documentary evidence placed on the record has convicted Accused No.1 for the charge sheeted offence and has acquitted Accused Nos.2 and 3. Accused No.1 was sentenced to undergo single imprisonment for a period of 3 years and pay fine of ₹.5,000/- for the offence punishable under Section 420 read with Section 34 of IPC and in default he was directed to undergo simple imprisonment for a further period of three months. The said judgment and order of conviction and sentence passed in C.C.No.3 of 2007 by the Trial Court was confirmed in Criminal Appeal No.4/2010 by the Court of Principal Sessions Judge, Udupi vide judgment and order dated 13.04.2016. It is under these circumstances, petitioner is before this Court.

4. The prosecution in order to prove its charges against the accused had in all examined 12 charge sheet



witnesses as PW1 to PW12 and got marked 22 documents as Ex.P1 to Ex.P22. The chassis and engine of the two vehicles which were seized were produced and marked as MO1 and MO2. On behalf of the defence, no oral or documentary evidence was placed on the record.

5. PW1 is the Manager of the Sriram Transport Finance Company Ltd.,, who had lodged the complaint at ExP1. PW2 is the Manager of the Finance Company during the relevant period when accused no.1 was sanctioned loan for purchase of two heavy transport vehicles. PW3 is the Field Officer of the Finance Company, who had made a survey and had recommended for sanctioning loan to accused no.1. PW4 is the surety for the loan borrowed by accused no.1 from Sriram Transport Finance Company Ltd.,.

6. The evidence of PW1 to PW4 would go to show that accused no.1 had applied for sanction of loan to enable him to purchase two heavy transport vehicles and considering the same, the finance company had sanctioned totally a sum of ₹.14,84,000/- to accused no.1.



7. PW6 and PW7 are the panchas to the seizure mahazar at Ex.P.17. Under Ex.P17 bus bearing registration No.KA-20-8013 was seized and another bus bearing registration No.KA-20-A-9018 was seized under Ex.P16.

8. PW3 is panch to Ex.P16. PW.3 during the course of his deposition has stated about the seizure of the aforesaid two buses at the instance of accused. The evidence of PW3 clearly proves the seizure of two buses.

9. PW9 is the Motor Vehicle Inspector, who has examined the two buses which were seized and Ex.P19 is his report. This witness has deposed that he had found that the chassis and engine number of the buses were tampered. PW.9 has also stated that he had verified from the records about the earlier chassis number and the present chassis number of the said vehicles.

10. PW.11 is the Assistant Director of Forensic Science Laboratory and his report is produced at Ex.P20. Ex.P21 to P25 are the photographs of the vehicles, which were taken by PW.11. This witness has deposed that he had examined the two



vehicles, which were seized in the present case and has stated that the chassis number and engine number of both the vehicles were tampered. He has further deposed that the original chassis number and engine number of the vehicle were also verified by him from the documents and accordingly he had prepared a report. The copy of the said report is at Ex.P.26. Even though PW9 and PW11 were extensively cross-examined on behalf of the defence, nothing material has been elicited from them. The prosecution therefore had clearly proved before the Trial Court by way of oral and documentary evidence that accused no.1 had borrowed loan from finance company for the purpose of purchase of two heavy transport vehicles and after the vehicles were delivered to him, the chassis number and engine number of the said vehicles were tampered and the body of bus was built to the two chassis and thereafter, the vehicles were being misused.

11. It is not in dispute that the loan borrowed by accused no.1 from Sriram Transport Finance Company Ltd., was not repaid and on the other hand the vehicle which was purchased after obtaining loan was misused by him by



tampering the chassis number and engine number of the vehicle. It is under the circumstances, the Trial Court as well as the Appellate Court have convicted and sentenced him of the charge sheet offence.

12. Under these circumstances, I do not find any illegality or irregularity in the impugned judgment and order of conviction passed by the Trial Court which calls for interference by this Court in exercise of its revisional jurisdiction.

13. The Hon'ble Supreme Court in the case of **AMIT KAPOOR V RAMESH CHANDRA - (2012) 9 SCC 460**, at paragraph no.12 has laid down the scope of powers of High Court under Section 397 of Cr.P.C, observed as follows:

"12. Section 397 of the Code vests the court with the power to call for and examine the records of an inferior court for the purposes of satisfying itself as to the legality and regularity of any proceedings or order made in a case. The object of this provision is to set right a patent defect or an error of jurisdiction or law. There has to be a well-founded error and it may not be appropriate for the court to scrutinise the orders, which upon the face of it bears a token of careful consideration and appear to be in accordance with law. If one looks into the various judgments of this Court, it emerges that the revisional



jurisdiction can be invoked where the decisions under challenge are grossly erroneous, there is no compliance with the provisions of law, the finding recorded is based on no evidence, material evidence is ignored or judicial discretion is exercised arbitrarily or perversely. These are not exhaustive classes, but are merely indicative. Each case would have to be determined on its own merits."

14. The Hon'ble Supreme Court in the case of **DULI CHAND V. DELHI ADMINISTRATION - (1975) 4 SCC 649** in paragraph no.5, has held as under:-

"5.....The High Court in revision was exercising supervisory jurisdiction of a restricted nature and, therefore, it would have been justified in refusing to re-appreciate the evidence for the purposes of determining whether the concurrent finding of fact reached by the learned Magistrate and the learned Additional Sessions Judge was correct. But even so, the High Court reviewed the evidence presumably for the purpose of satisfying itself that there was evidence in support of the finding of fact reached by the two subordinate courts and that the finding of fact was not unreasonable or perverse....."

15. Perusal of the record would also go to show that, petitioner was facing other criminal cases when the trial in the present case was under progress. Under the circumstances, I



NC: 2026:KHC:11110
CRL.RP No. 747 of 2016

am of the opinion that, the petition does not merit
consideration, Accordingly, the same is dismissed .

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

NMS/List No.: 1 SI No.: 7