



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL REVISION PETITION NO. 615 OF 2025

BETWEEN:

1. MR.SOMANATH M SUTAR
S/O MAHADEV S SUTAR,
AGED ABOUT 47 YEARS,
RABAKAVI BANAHATTI TALUK,
(OLD MUDHOO TALUK),
CHIMMADAGALLI,
MAHALINGAPUR(RURAL) POST,
BAGALKOT DISTRICT PIN -587312.

...PETITIONER

(BY SRI. SHIVASHANKARA GOUDA PATIL, ADVOCATE)

AND:

1. M/S.AKSHODAYA CHITS (BANGALORE) LTD
REGISTERED OFFICE AT
NO.44/1, 'KAMAKSHI SADANA',
2ND FLOOR, 4TH CROSS,
SAMPIGE ROAD, MALLESHWARAM,
BENGALORE-560 003
REPT BY ITS GENERAL MANAGER
AND GPA HOLDER,
MR. H N PARAMESH.

...RESPONDENT

(BY SRI.ASHWIN S HALADY, ADVOCATE)





THIS CRL.RP IS FILED U/S.397 R/W 401 CR.P.C (U/S 438 R/W 442 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO SET ASIDE JUDGMENT DATED 22.01.2025 PASSED BY THE HONB'LE COURT OF LII ADL. CITY CIVIL AND SESSIONS JUDGE, BANGALORE (CCH-53) NUMBERED AS CRL.A.NO.1869/2023 CONFIRMING THE SENTENCE OF JUDGMENT OF CONVICTION DATED 01.12.2023 OF THE XXVII ADDL. CHIEF METROPOLITAN MAGISTRATE, BENGALURU, IN CC.NO.32496/2022 CONVICTING THE PETITIONER/ACCUSED FOR AN OFFENCE P/U/S.138 OF N.I. ACT IS CONFIRMED AND ETC.,

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 judgment and order of conviction and sentence passed in C.C.No.32496/2022 dated 01.12.2023 by the Court of XXVII Additional Chief Metropolitan Magistrate, Bengaluru and the judgment and order passed in Crl.A.No.1869/2023 dated 22.01.2025 by the LII Additional City Civil and Sessions Bangalore (CCH-53).

2. Learned Counsel for the petitioner submits that dispute between the parties has been amicably settled before the Mediation



Centre at Bengaluru and a Memorandum of Settlement has been executed by the parties on 19.02.2026. He further submits that in view of the settlement arrived between the parties, the Criminal revision petition may be disposed of in terms of the settlement.

3. The said submission is placed on record.

4. The copy of the Memorandum of Settlement executed between the parties before the Mediation Centre at Bengaluru, dated 19.02.2026 is taken on record. In paragraph No.IV of the said Memorandum of Settlement, it is stated as follows:

"IV. During the course of mediation, the Petitioner/Accused and the Respondent/complainant with the able assistance of their respective Advocates and after a thorough discussion, taking into consideration the outcome of the litigation, duration with uncertainty of the outcome and litigation expenses, have settled the matter and they have agreed to the following terms and conditions:

1. The Petitioner has paid the compensation amount of Rs.62,81,000/-(Rupees Sixty Two Lakhs Eighty One Thousand Only) to the Respondent/Complainant through Demand drafts, RTGS and Cheque in the following manner:

a) A Cheque bearing No.960742 dated 15.07.2025 drawn on State Bank of India, Mahalingapura Branch,



Bagalkot for a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only).

b) By way of RTGS UDR No. HDFCR52025121193900695 dated 11.12.2025 for a sum of Rs.30,00,000/- (Rupees Thirty Lakhs Only).

c) By way of demand draft vide No.039719 dated 06.01.2026 for a sum of Rs.20,31,000/- (Rupees Twenty Lakhs Thirty One Thousand Only).

d) By way of demand draft No.846158 dated 23.01.2026 for a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand Only): In total the said amount is Rs.62,81,000/- (Rupees Sixty Two Lakhs Eighty One Thousand Only) is paid to the Respondent/Complainant.

The Respondent acknowledges having received the entire said amount.

2. The Hon'ble High Court of Karnataka may be pleased to pass an appropriate order with regard to waive off the fine amount of Rs.10,000/- (Rupees Ten Thousand Only) which had to be paid to the State.

3. In view of the settlement they have no claims of whatsoever nature against each other.

4. The parties further state that there has been no collusion or force, fraud or any undue influence by any of the parties to enter into this into this compromise in the aforesaid manner."



5. The respondent, who is present in person before the Court, acknowledges receipt of the entire compensation of Rs.62,81,000/- (Rupees Sixty Two Lakhs Eighty One Thousand only) from the petitioner, as stated in paragraph No.IV of the Memorandum of Settlement executed between the parties before the Mediation Centre at Bengaluru on 19.02.2026.

6. Under these circumstances, I am of the opinion that the Criminal revision petition is required to be disposed of in terms of the settlement arrived between the parties and the judgment and order of conviction and sentence passed by the Courts below needs to be set aside. Accordingly, the following:

ORDER

- i.* The Criminal revision petition is ***allowed.***
- ii.* The judgment and order of conviction and sentence passed in C.C.No.32496/2022 dated 01.12.2023 by the Court of XXVII Additional Chief Metropolitan Magistrate, Bengaluru, which is confirmed in Crl.A.No.1869/2023 by the judgment and order



dated 22.01.2025 by the LII Additional City Civil and Sessions Bangalore are set aside.

- iii.* Petitioner is acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and his bail bonds, if any, stands cancelled.
- iv.* Learned Counsel Sri Ashwin S. Halady is permitted to file the authorization letter of Smt. M. N. Jamuna Nayak, authorized signatory of the respondent Company, before the Registry within a period of three days.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

SMC
List No.: 1 SI No.: 32