



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL REVISION PETITION NO.757 OF 2025
(397(Cr.PC) / 438(BNSS))

BETWEEN:

M/S TRAVEL FRIEND
REPRESENTED BY ITS PARTNER,
MR S.NAGENDRA PRASAD,
S/O D. V. SHIVANANDA,
AGED ABOUT 50 YEARS,
R/AT NO.288, 11TH CROSS,
POORNA PRAJNA, KODIPUR,
BENGALURU-560 061.

...PETITIONER

(BY SRI ANIL KUMAR.C FOR
SRI SHASHI BHUSHAN.B.S, ADVOCATES)

AND:

G. R. SUMANTH
S/o G. RAMA MURTHY,
AGED ABOUT 41 YEARS,
C/o AVANISHK JEWELLERS,
R/AT No.11, 14TH MAIN ROAD,
J. P. NAGAR,
BENGALURU-560 078.

...RESPONDENT

(BY SRI. SHIVARAJU M K, ADVOCATE)

THIS CRIMINAL REVISION PETITION IS FILED UNDER
SECTION 397 R/W 401 CODE OF CRIMINAL PROCEDURE
PRAYING TO SET ASIDE THE JUDGMENT AND ORDER OF
CONVICTION DATED 18.03.2019 PASSED BY THE XII
ADDITIONAL CHIEF METROPOLITAN MAGISTRATE AT
BENGALURU IN C.C.No.28925/2015 AND ALSO SET ASIDE THE
JUDGMENT AND ORDER DATED 04.03.2025 PASSED BY LXVI





ADDL CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY (CCH-67) IN CRL.A.No.1166/2019 AND ACQUIT THE PETITIONER/ACCUSED FOR THE OFFENCE PUNISHABLE UNDER SECTION 138 OF NEGOTIABLE INSTRUMENT ACT.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Parties are present. Joint memo is filed. Contents of the joint memo reads as under:

"The Petitioner and Respondent jointly submit as follows:

- 1. The Petitioner has preferred the above Criminal Revision Petition on being aggrieved by the Judgment and order dated 18.03.2019 passed in C.C.No.28925/2015 on the file of the XII Addl. Chief Metropolitan Magistrate At Bengaluru in convicting the Petitioner/Accused for the offence punishable under section 138 of N.I Act, wherein the petitioner has been directed to pay a fine of Rs.18,17,120/- (Rupees Eighteen Lakhs Seventeen Thousand One Hundred And Twenty Only) and in default of payment of said amount, Petitioner shall undergo a simple imprisonment for 6 Months and that out of the said Fine amount of Rs.18,17,120/-, Rs.5000/- shall be paid to the state and remaining amount of Rs.18,12,120/-(Rupees Eighteen Lakhs Twelve*



Thousand One Hundred And twenty Only) shall be paid to the Respondent/Complainant as provided under section 357 of CR.P.C., And also on being further Aggrieved by the Judgment and order dated 04.03.2025, passed in Criminal Appeal No.1166/2019 on the file of the LXVI Addl City Civil And Sessions Judge, Bengaluru City (CCH-67), in dismissing the Appeal preferred by the petitioner and thereby confirming the judgment of the trial court in C.C.No.28925/2015, Dated 18.03.2019 on the file of the XII Addl. Chief Metropolitan Magistrate At Bengaluru, Petitioner has preferred the above Criminal Revision Petition.

- 2. The Petitioner further submits that after hearing the petitioner, This Hon'ble court on 15.05.2025 was pleased to suspend the sentence dated 18.03.2019 passed in C.C.No.28925/2015 by XII ACMM, Bengaluru, subject to the Petitioner depositing 50% of the fine amount within a period of 6 weeks from 15.05.2025 failing which the order shall stand vacated Automatically. The petitioner further submits that an application was filed by the petitioner before this Hon'ble court seeking for extension of time to comply the order dated 15.05.2025 by three weeks. The Petitioner further submits that this Hon'ble court by its order dated 24.06.2025, extended the time to comply the order of this Hon'ble court dated 15.05.2025 by three weeks from 24.06.2025 failing*



which the order dated 15.05.25 stood vacated Automatically.

- 3. The Petitioner further submits that The Petitioner has complied with the orders of this Hon'ble court dated 15.05.2025 and 24.06.2025 by depositing 50% of the fine amount i.e., by Depositing Rs.9,08,560/-(Rupees Nine Lakhs Eight Thousand Five Hundred And Sixty Only) by means of DD bearing No.598699, dated 10.07.2025, drawn on IDFC First Bank Limited, Banashankari 3rd Stage, Bengaluru, favoring 12th ACJM Bengaluru City C.C. No.28925/2015, before the XII Addl, Chief Metropolitan Magistrate at Bengaluru in C.C. No.28925/2015 and in this regard the memo along with copy of the receipt for money received dated 11.07.25 was also filed before this Hon'ble court on 14.07.2025.*
- 4. It is further submitted that during the pendency of the above Criminal Revision Petition, The Petitioner and the Respondent have amicably settled the dispute and in this regard Petitioner has agreed to pay to the Respondent Rs.18,12,120/-(Rupees Eighteen Lakhs Twelve Thousand One Hundred And Twenty Only) and in this regard the petitioner has no objection in Respondent withdrawing a sum of Rs.9,08,560/-(Rupees Nine Lakhs Eight Thousand Five Hundred And Sixty Only) from the trial court. The Petitioner further submits that the remaining balance amount of Rs.9,03,560/- (Rupees Nine Lakhs*



Three Thousand Five Hundred And Sixty Only) shall be paid by the petitioner to the Respondent in the following manner:

- a) A sum of Rs.2,50,000/- (Rupees Two Lakhs fifty thousand only) shall be paid by the Petitioner to the Respondent on or before 15-04-2026.*
- b) Balance amount of Rs.6,53,560/- (Rupees Six Lakhs Fifty Three Thousand Five Hundred Sixty only) shall be paid by the petitioner to the Respondent on or before 15-05-2026.*

for which the Respondent has agreed. The petitioner further submits that in so far as the fine amount of Rs.5000/- (Rupees Five Thousand only) as ordered by the trial court is concerned, The petitioner be kindly permitted to deposit the same in the trial court within a period of One week from today. The Respondent has also agreed to get the pending civil suit bearing O.S. No. 3092/2018 on the file of the X Addl. City Civil and Sessions Judge (CCH-26), filed by the Respondent as Against the petitioner and 2 others, dismissed as withdrawn after the entire payment of Rs.18,12,120/- (Rupees Eighteen Lakhs Twelve Thousand One Hundred And Twenty Only) is received by the Respondent from the Petitioner.

WHEREFORE, The Petitioner and the Respondent jointly submits that this Hon'ble court be pleased to kindly accept the above Joint memo and Allow the above Criminal Revision Petition, and thereby Set aside the judgment and order of conviction dated 18.03.2019,



passed by the XII Addl Chief Metropolitan Magistrate, At Bengaluru, in C.C. No 28925/2015 and also set aside the judgment and order dated 04.03.2025 passed by LXVI Addl. City Civil And Sessions Judge, Bengaluru City (CCH-67) in Criminal Appeal No.1166/2019 and consequently acquit the Petitioner /Accused for the offence punishable under section 138 of N.I. Act, in the interest of justice and equity."

2. Placing the memo on record, petition stands ***disposed of.***

3. Amount in deposit is ordered to be withdrawn by the complainant under due identification.

4. It is made clear that if the compensation amount as agreed in the joint memo is not paid, petitioner shall under go imprisonment as ordered by the learned Trial Magistrate, confirmed by the First Appellate Court.

5. After payment of the entire compensation amount as agreed in the memo, sum of Rs.5000/- ordered towards defraying expenses of the State stands set aside.

Sd/-
(V SRISHANANDA)
JUDGE

MR
List No.: 1 Sl No.: 12