



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL REVISION PETITION No.67 OF 2018

BETWEEN:

1. ANANDA
S/O BASAVARAJ,
AGED ABOUT 42 YEARS,
OCCUPATION: BUSINESS MAN,
R/O TAMATAKAL ROAD,
BEHIND ESHWAR TEMPLE,
CHITRADURGA-577 501.
2. R. KOTRESH
S/O LATE RAJANNA,
AGED ABOUT 47 YEARS,
OCCUPATION: BUSINESS MAN,
R/O 2ND CROSS, GUMASTHA COLONY,
CHITRADURGA-577 501.
3. JAGADISH
S/O LATE CHANDRAPPA,
AGED ABOUT 45 YEARS,
OCCUPATION: BUSINESS MAN,
R/O BEHIND AMOGHA COMPLEX,
SANTHEPET,
CHITRADURGA-577 501.
4. PRASANNA
S/O LATE CHANDRAPPA,
AGED ABOUT 44 YEARS,
OCCUPATION: BUSINESS MAN,
R/O. BEHIND AMOGHA COMPLEX,
SANTHEPET,
CHITRADURGA-577 501.



...PETITIONERS

(BY SRI SWAROOP T, ADVOCATE)



AND:

STATE BY
CHITRADURGA TOWN POLICE STATION,
CHITRADURGA-577 501,

REPRESENTED BY SPECIAL PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE-560 001.

...RESPONDENT

(BY SRI K.NAGESHWARAPPA, HIGH COURT GOVERNMENT
PLEADER)

THIS CRIMINAL REVISION PETITION IS FILED UNDER
SECTION 397 R/W 401 CODE OF CRIMINAL PROCEDURE
PRAYING TO SET ASIDE THE JUDGMENT OF CONVICTION
DATED 19.10.2017 IN CRIMINAL APPEAL NO.40/2017 PASSED
BY THE HON'BLE 1ST ADDITIONAL DISTRICT AND SESSIONS
JUDGE, CHITRADURGA CONSEQUENTLY ALSO TO SET ASIDE
THE JUDGMENT OF CONVICTION DATED 11.07.2017 IN
C.C.NO.2290/2010 PASSED BY THE HON'BLE PRINCIPAL CIVIL
JUDGE AND JMFC, CHITRADURGA, TO ACQUIT THE
PETITIONERS/ACCUSED NO.1 TO 4 FROM ALL CHARGES AND
OFFENCES.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard the Sri T Swaroop, learned counsel for the revision
petitioners and Sri K.Nageshwarappa, learned High Court
Government Pleader for the respondent/State.



2. Accused persons in C.C.No.2290/2010 on the file of the Prl. Civil Judge and JMFC, Chitradurga, who have suffered an order of conviction and sentence for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, confirmed in CrI.A.No.40/2017 on the file of the I Additional District and Sessions Judge, Chitradurga, are the revision petitioners.

3. Facts in the nutshell which are utmost necessary for disposal of the present revision petition are as under:

A complaint came to be lodged against the revision petitioners alleging that they had borrowed the loan from M/s Shriram Transport Finance Company Limited for purchase of lorries bearing certificate of registration Nos.KA-16/A-6396, KA-16/A-6362, KA-16/A-6368, KA-22/B-781, KA-22/B-778, KA-22/B-622 and KA-22/B-780. They became defaulters in repayment of loan amount.

4. Civil proceedings were initiated which ended in favour of the Finance Company and civil liability is complied. The prime submission made on behalf of the revision petitioners is that, a false complaint is filed alleging that, on 06.02.2010 at about



11.00 a.m. in the Ashraya compound of Industrial Area, Chithradurga, the lorries were parked and the chassis numbers were erased, so also, there is tampering of the registration numbers in respect of the four lorries and they have been renamed as the lorries belonging to 'SGK Transports'.

5. The investigation agency has found that the lorries were parked in a damaged condition and admittedly, not in running condition. Photographs placed on record at the time of inspection depicts the tampering of the chassis number and damage caused to the spare parts of the lorries including the tyres, windshield and other glasses were noted.

6. On receipt of such a complaint, Chitradurga Town Police conducted investigation, filed charge sheet against the revision petitioners for the offence punishable under Sections 420 and 506 read with Section 34 of the Indian Penal Code.

7. On receipt of the charge sheet, learned Trial Magistrate secured the presence of the accused persons and framed charges. Accused persons pleaded not guilty therefore, trial was held.



8. After due trial, learned Trial Judge noting that the prosecution is successful in establishing all necessary ingredients to attract the offence under Section 420 of IPC inasmuch as there is a wrongful loss caused to Shriram Finance Company and corresponding wrongful gain to the revision petitioners, convicted the accused persons for the aforesaid offence and sentenced as under:

"For the offence punishable under Section 420 read with Section 34 of IPC the accused Nos.1 to 4 are sentenced to undergo simple imprisonment for a period of one year and to pay a fine of Rs.5,000/- each. In default the accused Nos.1 to 4 shall undergo simple imprisonment for a further period of three months."

9. Being aggrieved by the same, the revision petitioners approached the District Court in Crl.A.No.40/2017.

10. Learned Judge in the First Appellate Court, after securing the records, heard the arguments of the parties in detail and on re-appreciation of the material evidence on record, by considered judgment dated 19.10.2017, dismissed the appeal of the accused persons and confirmed the order of conviction and sentence passed by the learned Trial Magistrate.



11. Being further aggrieved by the same, the accused persons are before this Court in this revision petition.

12. Sri T.Swaroop, learned counsel for the revision petitioners reiterating the grounds urged in the revision petition vehemently contended that, both the Courts have not properly appreciated the material evidence on record and wrongly convicted the accused persons and sought for allowing the revision petition.

13. He would emphasize that in respect of the loan transactions, lorries were repossessed and were parked in the compound for which the accused persons had no authority over the seized lorries. Therefore, the very allegations that they have got wrongful gain by erasing the chassis numbers is far from truth and not based on any proper material evidence on record and sought for allowing the revision petition.

14. He would point out that the motor vehicle inspector having inspected the lorries has given a specific opinion that regarding the erasing of the chassis number, Forensic Science Laboratory report is necessary to confirm that such erasing has



taken place. But no Forensic Science Laboratory report is obtained.

15. Therefore, in the absence of any FSL report placed on record by the prosecution, the allegation of erasing of the chassis number and wrongful loss as well as wrongful gain is not established and therefore, sought for allowing the revision petition.

16. Alternatively, Sri Swaroop, learned counsel would contend that in the event, this Court upholding the order of conviction, taking note of the fact that the accused persons have cleared the civil liability in the arbitration proceedings and there was no intention of the revision petitioners in the alleged erasing of the chassis numbers, and also taking note of the fact that the lorries were parked in the compound and were not in usable condition, the sentence of one year imprisonment ordered for the offence under Section 420 of IPC needs to be set aside by enhancing the fine amount reasonably, as admittedly, the revision petitioners are first time offenders and had no criminal antecedents.



17. *Per contra*, Sri K.Nageshwarappa, learned High Court Government Pleader would support the impugned orders by contending that Motor Vehicle Inspector and Investigation Agency did not nurture any previous enmity or animosity against the revision petitioners to file a false report against them.

18. As such, what has been observed by the Investigation team in the Ashraya compound of Industrial Area where the lorries were parked, the deficiencies were noted and therefore, the conviction of the accused persons is just and proper and there is no mitigating circumstances except payment of civil dues to reduce the imprisonment and sought for dismissal of the revision petition in *toto*.

19. Having heard the arguments of both sides, this Court perused the material on record meticulously.

20. On such perusal of material on record, it is crystal clear that the loan sanctioned for purchase of the lorries as aforementioned by the Shriram Finance is established by placing necessary material on record.



21. Admittedly, aforementioned lorries were parked in Ashraya compound of Industrial Area, Chitradurga. Lorries were not in moving condition as could be seen from the photographs. On the complaint lodged by Shriram Finance, investigation was conducted. During the course of investigation, lorries were spotted in Ashraya compound.

22. As a contractual party, accused persons were required to bring the lorries as and when directed by the financier as per the agreement and it should be in running condition.

23. Admittedly, accused persons have become defaulters in respect of the loan.

24. In the criminal complaint, it was specifically stated that there is a default of the financial commitment by the accused persons to the complainant. It was not a mere civil liability, inasmuch as, the investigation agency has noted the tampering of chassis numbers and also the registration numbers, so as to prejudice the right of financier in repossessing the lorries. The report that has been placed on record would make it clear about the tampering that has taken place.



25. Chassis number in respect of a motor vehicle assumes a greater significance. Nobody is allowed to tamper the same as it is distinct identity of a motor vehicle.

26. Admittedly, the lorries were in possession of the accused persons and who tampered the chassis numbers, if not the accused is a matter that has to be explained by the accused persons by placing necessary material on record.

27. In this regard, there is no material evidence placed on record except denial of allegation and incriminatory material by the accused persons.

28. Under such circumstances, finding recorded by the Trial Magistrate, confirmed by the First Appellate Court as to the chassis number being tampered resulting in commission of the offence under Section 420 of IPC needs no interference, that too, in revisional jurisdiction.

29. Only on the ground that the FSL report is not obtained by investigation agency, would not be sufficient enough to hold



that accused persons are innocent of the offences alleged against them.

30. Taking note of these aspects of the matter, conviction of the accused persons needs to be maintained.

31. Having said so, it is to be noted that admittedly, the accused persons are first time offenders and there is no criminal antecedents placed on record by the prosecution.

32. While imposing imprisonment of one year, learned Trial Magistrate has not properly considered the provisions of Probation of Offenders Act as admittedly the punishment that has been imposed by the Trial Magistrate is simple imprisonment for one year.

33. Learned Judge in the First Appellate Court was duty bound to re-appreciate the order of sentence, especially in not putting the petitioners on probation. No proper discussion is forthcoming in this regard in the impugned judgments as well.

34. Pertinently, the role of a Trial Magistrate while passing an order of conviction is altogether different while discharging the



role as a Magistrate while considering the benevolent provisions of Probation of Offenders Act. It is to be noted that the Courts are required to hate the crime and not the criminal.

35. It is equally settled principles of law under the criminal jurisprudence especially, while passing an order of appropriate quantum of sentence in respect of a proved offence, sentencing Court has to bear in mind that every sinner has a future.

36. Taking note of these aspects of the matter, this Court is of the considered opinion that the error committed by the Trial Magistrate confirmed by the First Appellate Court needs to be rectified *albeit* limited powers of revisional jurisdiction.

37. As such, taking note of the fact that accused persons/revision petitioners are first time offenders and they did not possess any criminal antecedents, and also having regard to the punishment that has been ordered by the Trial Magistrate, confirmed by the First Appellate Court, if the sentence is modified by directing the revision petitioners to undergo simple imprisonment for the day by directing them to



pay enhanced fine amount of Rs.60,000/- each, ends of justice would be met.

38. Accordingly, the following:

ORDER

(i) The revision petition is ***allowed in part.***

(ii) While maintaining the conviction of the accused persons for the offences punishable under Section 420 read with Section 34 of the IPC, sentence ordered by the Trial Magistrate confirmed by the First Appellate Court is modified by directing the revision petitioners to undergo simple imprisonment for the day till rising of the Court and to pay enhanced fine amount in a sum of Rs.60,000/- each, on or before **10.04.2026.**

(iii) Failure to pay the enhanced fine amount on or before **10.04.2026**, the order of sentence passed by Trial Magistrate confirmed by the First Appellate Court stands restored automatically.



**NC: 2026:KHC:16436
CRL.RP No. 67 of 2018**

(iv) Office is directed to return the Trial Court Records along with copy of this order, forthwith for issue of the modified conviction warrant.

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

SN/kcm
List No.: 1 Sl No.: 59