



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. 435 OF 2019

BETWEEN:

SMT. C. GAYATHRAMMA
W/O SRI LAKSHMIKANTHA
AGED ABOUT 49 YEARS
RESIDENT OF 1ST MAIN
3RD A CROSS, ASHA ANITHA NILAYA
HANUMANTHAPURA
TUMAKURU - 572 103.

...PETITIONER

(BY SRI P.M. SIDDAMALLAPPA, ADV.)

AND:

SRI B ABID
S/O SRI T. MOHAMED BUDEN SAB
AGED ABOUT 53 YEARS
RESIDING BEHIND AZAD BUILDING
M.G. ROAD, TUMAKURU - 572 103.

...RESPONDENT

(BY SRI A. KUMARAVEL, ADV.)

THIS CRL.RP IS FILED U/S.397 R/W 401 CR.P.C PRAYING TO SET ASIDE THE IMPUGNED JUDGMENT, CONVICTION AND SENTENCE ORDER DATED 12.10.2017 PASSED BY THE LEARNED PRINCIPAL CIVIL JUDGE AND I-JMFC, TUMKURU IN C.C.NO.2502/2009 AND ALSO SET ASIDE THE ORDER DATED 15.03.2019 CONFIRMED IN CRL.A.NO.25/2017 BY THE LEARNED VI ADDITIONAL DISTRICT AND SESSSIONS JUDGE, TUMKURU.

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 is before this Court in this revision petition filed under Sections 397 read with 401 of Cr.PC with a prayer to set aside the judgment and order of conviction and sentence dated 12.10.2017 passed by the Court of Prl. Civil Judge & JMFC, Tumakuru, in CC.No.2502/2009 and the judgment and order dated 15.03.2019 passed by the Court of VI Addl. District & Sessions Judge, Tumakuru, in Crl.A.No.25/2017.
2. Heard the learned Counsel for the parties.
3. Respondent-complainant had initiated proceedings against the petitioner before the Trial Court in CC.No.2502/2009 for the offence punishable under Section 138 of N.I.Act.
4. It is the case of the respondent that towards repayment of hand loan of Rs.1,50,000/- borrowed by the petitioner, she had issued the cheque in question bearing No.687866 dated 21.04.2009 drawn on Grain Merchants Co-operative Bank Ltd., Tumakuru, in his favour and the said cheque when presented



for realization was dishonoured by the drawee bank. The legal notice issued on behalf of the respondent was served on the petitioner and inspite of service of notice, petitioner had not repaid the amount covered under the cheque in question. It is under these circumstances, respondent had approached the Trial Court in CC.No.2502/2009.

5. In the said proceedings, the Trial Court had convicted the petitioner for the offence punishable under Section 138 of N.I.Act and sentenced her to pay fine of Rs.1,60,000/- and in default to undergo simple imprisonment for a period of six months. The said judgment and order of conviction and sentence was upheld by the Appellate Court in Crl.A.No.25/2017 by judgment and order dated 15.03.2019.

6. Perusal of the material on record would go to show that the complainant has examined himself as PW-1 before the Trial Court and has reiterated the complaint averments during the course of his examination-in-chief. The cheque in question is marked as Ex.P-1 and the copy of the legal notice is marked as Ex.P-4. Copy of the postal acknowledgement is marked as Ex.P-6.



7. The signature of the petitioner in the cheque in question is not in dispute and it is also not in dispute that the cheque was drawn on the bank account of the petitioner maintained in Grain Merchants Co-operative Bank Ltd., Tumakuru. Under the circumstances, a presumption arises against the petitioner as provided under Sections 139 read with 118 of the N.I.Act and unless the petitioner rebuts the same in the manner known to law by putting forward a probable defence, the petitioner is liable to be punished for the offence under Section 138 of the N.I.Act.

8. In the present case, petitioner has not put forward any specific defence before the Trial Court. She has not examined herself nor has produced and got marked any document in support of her defence. Perusal of the cross-examination of PW-1 would got to show that the case of the petitioner is of denial. The Trial Court having taken into consideration that the presumption that arose against the petitioner stood unrebutted, has rightly convicted the petitioner for the offence punishable under Section 138 of the N.I.Act.



9. The Appellate Court having reappreciated the oral and documentary evidence available on record, has confirmed the said judgment and order of conviction and sentence passed by the Trial Court. I do not find any illegality or irregularity in the impugned judgments passed by the courts below. Even the order of sentence passed against the petitioner by the courts below is just and proportionate. Therefore, I do not find any good ground to entertain this revision petition. Accordingly, revision petition is dismissed.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

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