



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. 1079 OF 2022

BETWEEN:

SRI. NIRANJAN CHIDANANDA BHAT
AGED ABOUT 45 YEARS,
S/O CHIDANANDA BHAT
R/AT RAJASHREE
KODAVOOR VILLAGE AND POST,
UDUPI TQ, UDUPI DISTRICT - 576 001.

...PETITIONER

(BY SRI. HAREESH BHANDARY T, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY MALPE POLICE STATION,
UDUPI DISTRICT
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. K. NAGESHWARAPPA, HCGP)

THIS CRL.RP IS FILED U/S.397 R/W 401 OF CR.P.C
PRAYING TO SET ASIDE THE JUDGMENT AND ORDER OF
CONVICTION DATED 10.12.2018 MADE IN C.C.NO.4287/2010
BY THE COURT OF ADDL.CIVIL JUDGE AND J.M.F.C AT UDUPI
AND THE JUDGMENT AND ORDER DATED 13.07.2022 MADE IN
CRL.A.NO.4/2019 BY THE COURT OF II ADDL.DISTRICT AND





SESSIONS JUDGE, UDUPI AND ACQUIT HIM OF THE OFFENCE FOR WHICH HE WAS CONVICTED BY THE COURTS BELOW.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. Heard Sri.Hareesh Bhandary T., learned counsel for the revision petitioner and Sri.K.Nageshwarappa, learned High Court Government Pleader for the State/respondent.

2. Accused who has suffered an order of conviction in CC No.4287/2010 dated 10.12.2018 on the file of Additional Civil Judge and JMFC, Udupi which was confirmed by the First Appellate Court in Crl.A.No.4/2019 dated 13.07.2022 on the file of II Additional District and Sessions Judge, Udupi is the revision petitioner.

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

3.1. A complaint came to be lodged with Malpe Police Station by contending that revision petitioner with an intention to defraud the Government as well as the persons who are in-



charge of granting the 'Hoover Medal', created a fake e-mail id as apj_abdul_kalam@in.com' and sent an e-mail and corresponded with the Hoover Medal Board, New York recommending the name of the revision petitioner for Hoover Medal.

3.2. On verification of the correspondence, it is noticed that the e-mail sent in the name of Dr.A.P.J.Abdul Kalam recommending the revision petitioner for the Hoover Medal was fake, police registered the case against the revision petitioner for the offences punishable under Section 465, 468, 469, 471 of Indian Penal Code and Section 66D of the Information Technology Act.

4. After thorough investigation, a charge sheet came to be filed by the police.

5. Presence of the accused person was secured and charges were framed. Accused pleaded not guilty and therefore, trial was held.

6. In order to bring home the guilt of the accused, prosecution examined twelve witnesses as P.W.1 to 12 and



placed on record 34 documents which were exhibited and marked as Exs.P.1 to P.34 and a sketch pen as MO.1, nokia mobile telephone as MO.2, a seal marked as MO.3, Hard disks of the computer as MO.4 and 5 and printer and scanner as MO.6.

7. Accused statement as is contemplated under Section 313 of Cr.P.C. was recorded putting across the incriminatory circumstances found against the accused in the prosecution evidence. All the incriminatory circumstances which were put across to the accused has been denied by the accused. But he did not place any defence evidence on record though for question Nos.15 and 16, accused has stated that he would examine the witnesses on his behalf.

8. Thereafter, learned Trial Magistrate heard the arguments of the parties in detail and on cumulative consideration of the oral and documentary evidence placed on record, convicted the accused and sentenced as under:

"Accused is sentenced to undergo simple imprisonment for a period of six months and fine of Rs.3,000/- for the offence punishable under Section 419 of IPC r/w. Section 66D of Information Technology Act. In default to pay fine,



he shall undergo simple imprisonment for a period of one month.

Accused is sentenced to undergo simple imprisonment for a period of six months and fine of Rs.1,000/- for the offence punishable under Section 465 of IPC. In default to pay fine, they shall undergo simple imprisonment for a period of one months.

Accused is sentenced to undergo simple imprisonment for a period of one year and fine of Rs.1,000/- for the offence punishable under Section 468 of IPC. In default to pay fine, he shall undergo simple imprisonment for a period of one month.

Accused is sentenced to undergo simple imprisonment for a period of six months and fine of Rs.1,000/- for the offence punishable under Section 469 of IPC. In default to pay fine, they shall undergo simple imprisonment for a period of two months.

Accused is sentenced to undergo simple imprisonment for a period of six months and fine of Rs.1,000/- for the offence punishable under Section 471 of IPC. In default to pay fine, he shall undergo simple imprisonment for a period of one month.

Sentence of imprisonment shall run concurrently.

The accused is entitled for the benefit of set off under Section 428 of Cr.P.C."



9. Being aggrieved by the same, accused filed an appeal before the First Appellate Court in CrI.A.No.4/2019.

10. Learned Judge in the First Appellate Court after securing the records, heard the arguments of the parties in detail and on reappreciation of the material evidence placed on record, upheld the order of conviction and sentence passed by the learned Trial Magistrate and dismissed the appeal.

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

12. Learned counsel for the revision petitioner reiterating the grounds urged in the revision petition vehemently contended that material evidence placed on record is not properly appreciated by both the Courts while recording an order of conviction which resulted in miscarriage of justice and sought for allowing the revision petition.

13. Alternatively, he would contend that accused being the first time offender and the incident is an isolated incident, taking note of the fact that he was in custody for a period of five days during the course of investigation, same may be



treated as period of imprisonment by enhancing the fine amount reasonably.

14. He would further emphasize that accused has lost his father and he is the only person to take care of his old age mother and therefore, lenience may be shown.

15. Per contra, learned High Court Government Pleader for the respondent opposes the revision grounds by contending that accused has gone to the extent of forging the signature of Dr.A.P.J.Abdul Kalam and also utilizing fake e-mail id to get a 'Hoover Medal' which is very precious in nature. Therefore, no leniency can be shown and sought for dismissal of the revision petition in *toto*.

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

17. On such perusal of the material on record, there is over whelming material evidence placed on record by the prosecution including the expert in this regard to find out whether the correspondence made by the accused is genuine or otherwise.



18. On such report, even though there is a lengthy cross-examination, witness has specifically withstood the searching cross-examination on behalf of the accused and noted that accused is responsible in sending fake correspondence in the name of Dr.A.P.J.Abdul Kalam only with an intention to gain himself a prestigious Hoover Medal from the Hoover Medal Board, New York.

19. According to the accused, he is innocent and he did not do anything wrong. Though he has undertaken to examine witnesses on his behalf to establish his innocence, he failed to do so.

20. Further, original e-mail-ID and the computer which has been used for the correspondence is established which would *prima facie* make it clear that the accused has concocted the document only with an intention gain for himself.

21. Taking note of these aspects of the matter, conviction of the revision petitioner for the aforesaid offences needs no interference that too in the revisional jurisdiction when both the Courts have recorded a factual finding of guilt of



the accused based on the cumulative consideration of the material evidence on record.

22. Having said so, accused is now aged about 54 years and he has lost his father and is a bachelor. Old age mother of the revision petitioner is dependent on him. He is now working in the field of welding of metals to eak out his livelihood. Incident is an old and isolated incident.

23. In view of the registration of criminal case, he lost his job. Revision petitioner is a mechanical engineer.

24. Taking note of these aspects of the matter, custody period already undergone by the accused if treated as period of imprisonment by enhancing the fine amount in a sum of Rs.1,00,000/- payable to the Government which can be utilized for the defraying expenses of the State, would meet the ends of justice in the peculiar facts and circumstances of the case.

25. Accordingly, the following:

ORDER

- i. Revision petition is ***allowed in part.***



- ii. While maintaining the conviction of the revision petitioner for the offences punishable under Sections 465, 468, 469 and 471 of IPC and Section 66D of Information Technology Act, sentence of imprisonment ordered by the learned Trial Magistrate confirmed by the First Appellate Court is modified by directing the custody period of five days already undergone by the revision petitioner as period of imprisonment by directing the revision petitioner to pay enhanced fine amount of Rs.1,00,000/- on or before 20.04.2026.
- iii. Failure to pay the enhanced fine amount on or before 20.04.2026, order of imprisonment ordered by the First Appellate Court stands restored automatically.

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

Sd/-
(V SRISHANANDA)
JUDGE

KAV
List No.: 1 Sl No.: 25