



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL REVISION PETITION NO. 1288 OF 2022

BETWEEN:

SRI. K.M.PRABHAKAR,
S/O MANJAPPA,
AGED ABOUT 47 YEARS,
OCC: BUSINESSMAN,
R/O KRISHNA GARAGE,
B.H. ROAD CROSS,
BEHIND UNITED PETROL BUNK,
SAGAR - 577 401,
SHIVAMOGGA DISTRICT.

...PETITIONER

(BY SRI. PRUTHVI WODEYAR., ADVOCATE)

AND:

1. SRI. PUTTAPPA,
S/O THIMMAPPA,
AGED ABOUT 57 YEARS,
PWD CONTRACTOR,
R/AT HUNASOORU, MARTHURU POST,
SAGAR TALUK - 577 401.

DEAD BY HIS LRS

1. SMT. SHASHIKALA,
W/O LATE PUTTAPPA,
AGED ABOUT 51 YEARS,

Digitally
signed by R
MANJUNATHA
Location:
HIGH COURT
OF
KARNATAKA



2. AKSHAYA SOORAN.P.,
S/O LATE PUTTAPPA,
AGE 29 YEARS,
3. NAVANEETH SOORAN.P.,
S/O LATE PUTTAPPA,
AGE 27 YEARS,

ALL ARE R/AT HUNASOORU,
MARTHURU POST,
SAGAR TALUK - 577 401,
SHIVAMOGGA DISTRICT.

...RESPONDENTS

(BY SRI.K.H.THIMMAIAH, ADVOCATE FOR LRS)

THIS CRL.RP IS FILED U/S 397 R/W 401 CR.PC PRAYING TO SET ASIDE THE ORDER OF CONVICTION PASSED BY THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE, SHIVAMOGGA, SITTING AT SAGAR IN CRIMINAL APPEAL.NO.10036/2019, DATED 29.07.2022, CONFIRMING THE ORDER OF CONVICTION PASSED BY THE PRINCIPAL CIVIL JUDGE AND JUDICIAL MAGISTRATE FIRST CLASS, SAGAR IN C.C.NO.427/2014 DATED 09.08.2019 FOR THE OFFENCE P/U/S 138 OF THE N.I ACT BY ALLOWING THIS CRIMINAL REVISION PETITION.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA



ORAL ORDER

1. Learned counsel for the petitioners has filed a memo.

2. Sri. K.H. Thimmaiah, learned counsel for the dependents of the original complainant has endorsed no objection on the memo.

3. Memo reads as under :

"1. The petitioner has preferred the caption petition being aggrieved by the order of conviction dated 29/07/2022 passed by the V Addl. District & Sessions judge, Shivamogga, sitting at Sagar in Crl. Appeal No.10036/2019, confirming the order of conviction passed by the Principal Civil Judge and JMFC Sagar, in C.C No.427/2014 dated 09/08/2019 for the offence punishable under section 138 of N.I Act.

2. It is submitted that, the trial court has passed order of conviction by imposing fine of Rs.7,40,000/- with 9% interest, after filing of the captioned petition in compliance of the order passed by this Hon'ble court, petitioner have deposited 50% of fine amount before the Trial court a sum Rs.3,70,000/-thereafter by obtaining persimmon from this Hon'ble court the respondents have withdrawn the deposited amount of Rs.3,70,000/-.



3. The petitioner hereby under takes to deposit/pay the remaining fine amount sum of Rs.3,70,000/- within a period of three months from today before the Trial court and petitioner have no objection for the respondent herein to withdraw the same. The accused ready to deposit/pay Rs.1,70,000/- on or before 30/4/2026 and remaining Rs.2,00000 will be paying on or before 27/6/2026.

Wherefore, this Hon'ble court may please to set aside the order of conviction dated 29/07/2022 passed by the V Addl. District & Sessions judge, Shivamogga, sitting at Sagar in Crl. Appeal No.10036/2019, confirming the order of conviction passed by the Principal Civil Judge and JMFC Sagar, in C.C No.427/2014 dated 09/08/2019 for the offence punishable under section 138 of N.I Act in the interest of justice."

4. Placing the memo on record, petition stand ***disposed off.***

5. It is made clear that if the compensation amount is not paid as per the memo, the petitioner shall undergo imprisonment as ordered by the Trial Magistrate confirmed by the First Appellate Court.



6. Interest of 9% ordered by the Trial Magistrate confirmed by the First Appellate Court is hereby set-aside and a sum of Rs.10,000/- imposed towards defraying expenses of the state is also set-aside.

Sd/-
(V SRISHANANDA)
JUDGE

SNC
List No.: 1 Sl No.: 39