



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

CRIMINAL APPEAL NO. 188 OF 2020 (A)

BETWEEN:

SAGAR TALUK AGRICULTURAL,
PRODUCE MARKETING,
CO-OPERATIVE SOCIETY, LTD.,
MARKET ROAD, SAGAR CITY,
REPRESENTED BY ITS MANAGER,
MARKET RAOD, SAGAR CITY,
SHIVAMOGGA DISTRICT PIN-577401.

...APPELLANT

(BY SRI. HARISH KUMAR M S., ADVOCATE)

AND:

M KRISHNAMURTHY
S/O RAMACHANDRAIAH
AGED ABOUT 65 YEARS
PROPRIETOR - NAVEEN TRADERS,
ARECA TRADER, AZAD ROAD,
2ND CROSS, SHIVAPPANAYAKA NAGARA,
SAGAR CITY, SHIGAMOGGA
DISTRICT PIN-577401.

...RESPONDENT

THIS CRL.A IS FILED U/S.378(4) CR.P.C BY THE
ADVOCATE FOR THE APPELLANT PRAYING THAT THIS HONBLE
COURT MAY BE PLEASED TO SET ASIDE JUDGMENT DATED
15.11.2017 PASSED BY THE PRINCIPAL CIVIL JUDGE AND JMFC



SAGAR, IN C.C.NO.342/2006 ACQUITTING THE
RESPONDENTS/ACCUSED FOR THE OFFENCE P/U/S 138 OF THE
N.I ACT.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL JUDGMENT

This appeal is filed by the complainant/Co-operative
Society against the order dated 15.11.2017 passed in C.C
No.342/2006 on the file of Principal Civil Judge and JMFC.,
Sagar in which the accused has been acquitted of the
offence punishable under Section 138 of Negotiable
Instrument Act, primarily on the ground that the complaint
was presented and prosecuted by a person who was not
authorized by a resolution.

2. There is a delay of 661 days in filing the present
appeal. In the Affidavit accompanying the application,
there is no whisper regarding the reason for non filing of
the appeal within time. Paragraph Nos.1 and 2 of the said



affidavit is only reiteration of the complaint averments.

Para No.3 of the affidavit reads as under:-

"The Court below have not considered the oral and documentary evidence on record in a properly. The court below committed an error to consider all the aspects before the coming to the conclusion. There are good grounds on merits. And all chance of success in this case. My Advocate at Sagar has informed us about the dismissal of the complaint and instructed us to file an appeal before the High Court. I submit that we could not file an appeal before this Hon'ble Court for the reason that, the government has passed an order by quashing the earlier audit report and further directed to conduct audit afresh. The entire our officials were busy with the said audit proceedings and it was unable to take permission from the board to file the appeal and to contact our Advocate at Bangalore. The non filing of appeal is bonafide one and not intentional. We have a good case on merits. If this application is allowed no injustice will cause to other side on the other hand if the application is not allowed great injustice will cause to me".

4. Except the above nothing is stated. No grounds made out for condonation of delay. Hence, application is rejected. Consequently, appeal is dismissed.

SD/-
(M.G.S. KAMAL)
JUDGE

VS
List No.: 1 Sl No.: 3