



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. 1429 OF 2023

BETWEEN:

RATNAKAR T. SUVARNA
AGED ABOUT 36 YEARS
S/O BABU POOJARY
R/AT NEROLDAPALKE, TELLAR
DURGA VILLAGE, KARKALA TALUK
UDUPI DISTRICT - 574 104.

...PETITIONER

(BY SRI S.K. ACHARYA, ADV.)

AND:

OSWALD RODRIGUES
AGED ABOUT 47 YEARS
S/O VALARAIN RODRIGUES
R/AT JODUKATTE, MIYYAR VILLAGE
KARKALA TALUK, UDUPI DISTRICT - 574 104.

...RESPONDENT

(BY SRI CHANDRANATH ARIGA K, ADV.)



THIS CRL.RP IS FILED U/S. 397 R/W 401 CR.P.C PRAYING TO ALLOW THE CRIMINAL REVISION PETITION BY SETTING ASIDE THE IMPUGNED JUDGMENT DATED 01.08.2023 PASSED IN CRL.APPEAL NO.104/2022 ON THE FILE OF THE COURT OF THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE UDUPI (ITINERARY SITTING AT KARKALA) IMPROPERLY CONFIRMING THE ORDER DATED 16.11.2022 PASSED IN C.C.NO.720/2015, ON THE FILE OF THE COURT OF THE PRINCIPAL CIVIL JUDGE AND JMFC KARKALA, U/S 138 OF N.I. ACT.

THIS PETITION, COMING ON FOR FURTHER 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 criminal 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 16.11.2022 passed by the Court of Prl. Civil Judge & JMFC, Karkala, in CC.No.720/2015, and the judgment and order dated 01.08.2023 passed by the Court of II Addl. District & Sessions Judge, Udupi, sitting at Karkala, in Crl.A.No.104/2022.

2. Heard the learned Counsel for the parties.

3. Respondent herein had initiated proceedings against the petitioner under Section 138 of N.I.Act before the Trial Court in CC.No.720/2015. In the said proceedings, the Trial Court has convicted the petitioner for the offence punishable under Section 138 of N.I.Act and sentenced him to pay fine of Rs.6,50,000/- and in default to undergo simple imprisonment for a period of six months. The said judgment and order passed by the Trial Court was confirmed by the Appellate Court in Crl.A.No.104/2022 by judgment and order dated 01.08.2023. It is under these circumstances, petitioner is before this Court.



4. Perusal of the material on record would go to show that it is the case of the respondent-complainant that towards repayment of the amount due by the petitioner, he had issued the cheque in question for a sum of Rs.5,60,000/-. Initially the Trial Court by judgment and order dated 29.05.2019 had convicted the petitioner for the offence punishable under Section 138 of N.I.Act and had sentenced him to pay fine of Rs.5,60,000/- and in default to undergo simple imprisonment for a period of three months. Being not satisfied with the said judgment and order passed in CC.No.720/2015, the complainant had filed CrI.A.No.115/2019 before the Appellate Court under Section 372 of Cr.PC and the said appeal was allowed and the matter was remitted to the Trial Court with a direction to pass a fresh order in so far as it relates to sentencing the petitioner. It is under these circumstances, the Trial Court has passed a fresh order of sentence on 16.11.2022, wherein the petitioner was sentenced to pay fine of Rs.6,50,000/- and in default to undergo simple imprisonment for a period of six months. It is this order which was questioned by the petitioner in CrI.A.No.104/2022 before



the Appellate Court, which was dismissed with cost by judgment and order dated 01.08.2023.

5. It is relevant to note here that the original judgment and order of conviction and sentence passed in CC.No.720/2015 dated 29.05.2019 was never challenged by the petitioner and it is only the respondent/complainant who had questioned the said judgment and order being aggrieved by the order of sentence passed by the Trial Court. The appeal filed by the complainant in Crl.A.No.115/2019 was allowed and the matter was remitted to the Trial Court only to pass a fresh order of sentence as against the petitioner, since the Appellate Court found that the sentence passed by the Trial Court was inadequate. It is under these circumstances, the Trial Court had passed the order of sentence dated 16.11.2022, wherein fine amount was enhanced to Rs.6,50,000/- instead of Rs.5,60,000/-.

6. The Appellate Court having appreciated the aforesaid aspect of the matter, has dismissed the appeal filed by the petitioner challenging the order of sentence passed by the Trial



Court dated 16.11.2022 with an observation that the order of sentence passed by the Trial Court was just and proper.

7. Therefore, I do not find any good ground to entertain this revision petition which is filed only as against the order of sentence imposed by the Trial Court. Under the circumstances, the revision petition does not merit consideration. Accordingly, the same is dismissed.

**Sd/-
(S VISHWAJITH SHETTY)
JUDGE**

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