



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL REVISION PETITION NO. 100179 OF 2020

(397(CR.PC)/438(BNSS))

BETWEEN:

SMT LACHAVVA W/O RUPLEPPA RATHOD
AGE: 55 YEARS, OCC: HOUSEWIFE,
R/O: BENACHAMATTI VILLAGE, TQ: RON, DIST: GADAG.

...PETITIONER

(BY SRI. SRINIVAS B. NAIK, ADVOCATE)

AND:

THE STATE OF KARNATAKA
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH, THROUGH RON PS, DIST: GADAG.

...RESPONDENT

(BY SRI. PRAVEENA Y. DEVAREDDIYAVARA, HCGP)

THIS CRIMINAL REVISION PETITION IS FILED U/SEC.397 R/W SEC.401 OF CR.P.C., PRAYING TO CALL FOR RECORDS IN CC NO.287/2013 ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC, RON AND ALLOW THIS CRIMINAL REVISION PETITION AND SET ASIDE THE JUDGMENT AND ORDER DATED 20/01/2020 PASSED IN CRIMINAL APPEAL NO.34/2015 ON THE FILE OF PRINCIPAL DISTRICT AND SESSIONS JUDGE, GADAG, FOR THE OFFENCES PUNISHABLE U/S 409 R/W 34 OF IPC AND SET ASIDE THE JUDGMENT AND ORDER OF CONVICTION AND SENTENCE DATED 04/05/2015 PASSED IN C.C.NO.287/2013 ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC, RON CONVICTING THE PETITIONER FOR THE OFFENCES PUNISHABLE UNDER SECTION 409 R/W 34 OF IPC, AND ACQUIT THE PETITIONER FOR THE OFFENCE PUNISHABLE UNDER SECTION 409 R/W 34 OF IPC, IN THE INTEREST OF JUSTICE.

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





ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE V.SRISHANANDA)

1. Heard Sri.Srinivas B. Naik, learned counsel for the petitioner and Sri.Praveena Y Devareddiyavara, learned High Court Government Pleader for respondent.

2. Memo with documents has been filed by the petitioner. As per the memo, the petitioner has paid Rs.95,000/- to the Office of the Kuntoji Grama Panchayath, which represents the misappropriated amount.

3. At the outset, Sri Srinivas B. Naik, learned counsel for the petitioner submitted that the petitioner is a lady who served as the President of Kuntoji Grama Panchayath from 30.07.2007 to 21.07.2008.

4. He further contended that during her tenure, there were some accounting irregularities, and three cheques issued under the Indira Awas Yojana, amounting to Rs.95,000/-, could not be accounted for.

5. Consequently, she faced criminal prosecution and was convicted for an offence punishable under Section 409 read with Section 34 of the IPC, and had already paid a fine of Rs.5,000/- as imposed by the trial Court.



6. The appeal filed by the petitioner was dismissed, confirming both the conviction and the sentence.

7. Sri Srinivas B. Naik now submitted that since the entire misappropriated sum of Rs.95,000/- has been repaid by the petitioner, the sentence of imprisonment may be set aside by imposing a reasonable fine.

8. *Per contra*, Sri Praveen Y. Devareddiyavara, learned High Court Government Pleader, submitted that in matters of this nature, when the conviction and sentence have been confirmed by two courts, showing leniency may encourage similarly placed offenders to indulge in such offences, and sought dismissal of the revision petition.

9. Having heard the arguments of both sides and after considering the records, it is noted that the petitioner is a lady belonging to the Lamani community and she is illiterate.

10. She had been elected as the President of Kuntoji Grama Panchayath, which was reserved constituency, and could only affix her thumb impression to documents.



11. She was not well-versed with the documentation or the disbursement of money by the Grama Panchayath, and someone appears to have defrauded her. Therefore, she has sought leniency.

12. As per the memo filed, the petitioner has deposited the entire sum of Rs.95,000/- to the Kuntoji Grama Panchayath.

13. Taking note of her illiteracy and circumstances, the sentence ordered by the trial magistrate and confirmed by the first appellate court is modified and accordingly, the following:

ORDER

- i. The petition is ***allowed***.
- ii. While maintaining the conviction of the revision petitioner for the offence punishable under Section 409 of the IPC, the sentence is modified by directing the petitioner to undergo simple imprisonment for the day, till the rising of the Court, and to pay an



enhanced fine of Rs.1,00,000/- on or before

16.03.2026.

- iii. On receipt of the fine, Rs.75,000/- shall be paid as compensation to the Kuntoji Grama Panchayath through the current President of the Panchayath.
- iv. The balance Rs.25,000/- shall be appropriated towards defraying the expenses of the State.
- v. Failure to pay the enhanced fine on or before **16.03.2026** shall automatically result in restoration of the original sentence ordered by the trial magistrate and confirmed by the first appellate court.
- vi. Office is directed to return the trial court records along with a copy of this order.

Sd/-
(V.SRISHANANDA)
JUDGE

AC
CT-CMU
LIST NO.: 1 SL NO.: 146