



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL REVISION PETITION No.100185 OF 2019

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

BETWEEN:

1. MALASARJ SIDAGOUDA DESAI
SINCE DECEASED BY HIS LRS
- 1A) SMT. ANUSAYA W/O MALASARJ DESAI
AGE: 62 YEARS, OCC. HOUSEHOLD,
R/O. NO.57, SOMAWAR PETH,
OPP. MARUTI TEMPLE, TILAKWADI,
BELAGAVI-590006.
- 1B) MAHINDRA S/O MALASARJ DESAI
AGE: 45 YEARS, OCC. BUSINESS,
R/O. NO.57, SOMAWAR PETH,
OPP. MARUTI TEMPLE, TILAKWADI,
BELAGAVI-590006.
- 1C) DHANARAJ S/O. MALASARJ DESAI,
AGE: 42 YEARS, OCC. BUSIENSS,
R/O. NO.57, SOMAWAR PETH,
OPP. MARUTI TEMPLE, TILAKWADI,
BELAGAVI-590006.
- 1D) SMT. ANITA W/O ANAND PATIL
AGE: 38 YEARS, OCC. HOUSEHOLD,
R/O. 78/3, 1ST FLOOR 8TH CROSS,
OPP. VYALIKAVAL GROUND,
LOWER PALACE ORCHARD,
BENGALURU-560003.

...PETITIONER

(BY SRI. SHREEVTSA HEGDE, ADVOCATE)





AND:

1. SHRI. NARAYAN RAMU BASARGE
AGE- 54 YEARS, OCC- ESTATE AGENT,
R/O- KURIHAL, TQ- BELAGAVI.
2. NARAYAN S. KOLE
AGE: 51 YEARS, OCC: ESTATE AGENT,
R/O: BODKENHATTI, TQ: BELAGAVI.
3. SHRI. Y.M. KITWADKAR
AGE: MAJOR, OCC: ESTATE AGENT,
R/O: HONAGA, BELAGAVI.
4. SHRI I.F. SIDARADDI,
AGE: MAJOR, OCC. ADVOCATE AND NOTARY,
R/O. SHANIWAR KHOOT, BELAGAVI.
5. SHRI.PUNDALIK S/O NANA KOLE
AGE: MAJOR, OCC: AGRICULTURE,
R/O: BAMBARGE, TQ: BELAGAVI.
6. SHRI. LAXMAN KALLAPPA MANGUTKAR
AGE: 59 YEARS, OCC: AGRICULTURE,
R/O: BAMBARGE, TQ: BELAGAVI.
7. SHRI. RAMA NINGAPPA GIRENNANAVAR
AGE: 60 YEARS, OCC: AGRICULTURE,
R/O: BAMBARGE, TQ: BELAGAVI.

...RESPONDENTS

(BY SRI. RAVI S. BALIKAI, ADVOCATE)

THIS CRIMINAL REVISION PETITION IS FILED U/S 397 R/W 401 OF CR.P.C. SEEKING TO SET ASIDE THE JUDGMENT OF ACQUITTAL PASSED BY THE IX-ADDL. DISTRICT AND SESSIONS JUDGE, BELAGAVI, IN CRL.A.NO.89/2018 DATED 23.03.2019 CONFIRMING THE JUDGMENT PASSED BY THE MAGISTRATE FIRST CLASS IV-COURT, BELAGAVI, IN C.C.NO.284/2004 DATED 29.01.2018 AND FURTHER CONVICT THE ACCUSED FOR THE OFFENCES P/U/S 419, 423, 465, 467, 468, 471 R/W SEC. 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)

Learned counsel for the petitioners has filed the Memo which reads as under:

"Herein the memo on behalf of the Rev. Petitioner is as under:

1. Petitioner is the complainant before Trial Court, filed a complaint against respondents for the offence punishable under sections 419, 423, 465, 468 and 471 r/w 34 of IPC. Same is registered at C.C.No.284/2004 tried by JMFC IV Court, Belagavi, delivered judgment of acquittal.

2. Being aggrieved by the same, a Criminal Appeal at 89/2018 was preferred before IX Addl. District and Sessions Judge, Belagavi, which ought to have been preferred before this Hon'ble Court.

3. Under these circumstances, it is prayed that, reserving the liberty to file fresh appeal, suitable order may kindly be passed, in the ends of justice.

Hence the memo."



2. Petitioners are the complainants who have challenged the Order of acquittal passed by the IX Additional District and Sessions Judge, Belagavi, dated 23.03.20219 in Crl.A.No.89/2018.

3. The learned Judge in the First Appellate Court has concurred with the judgment of acquittal passed by the JMFC-IV, Belagavi, dated 29.01.2018 in C.C.No.284/2004, not noticing the fact that appeal itself was not maintainable before the First Appellate Court against the Order of acquittal passed by the Trial Court.

4. The present Revision Petition is filed by the complainants challenging the order passed by the First Appellate Court which Order was *per se* not maintainable and *non est*.

5. Accordingly, memo is accepted.

6. Revision Petition stands ***dismissed*** as withdrawn with liberty to challenge the Order of acquittal passed by the learned Trial Magistrate in C.C.No.284/2004.



**NC: 2026:KHC-D:3067
CRL.RP No. 100185 of 2019**

7. All contentions available to the accused including opposition to condonation of delay is kept open to be urged in the intended appeal, in accordance with law.

**Sd/-
(V.SRISHANANDA)
JUDGE**

kcm
CT-CMU
LIST NO.: 1 SL NO.: 112