



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 2ND DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE V.SRISHANANDA
CRIMINAL REVISION PETITION NO. 100197 OF 2025
(397(CR.PC)/438(BNSS))

BETWEEN:

1. RENUKAYYA SOMASHEKARAYYA SHYASTHRI
AGE. 57 YEARS, OCC. SECRETARY OF
PERFECT PATTAN
PANCHAYAT SAHAKARI SANGHA ILKAL
R/O. ILKAL, TQ. HUNGUND, DIST. BAGALKOT.
2. MAHEBUBSAB AHAMADSAB GODEKAR
AGE. 45 YEARS, OCC. CLERK OF PERFECT,
PATTAN PATTINA SAHAKARI SANGHA, ILKAL
R/O ILKAL, TQ. HUNGUND,
DIST. BAGALKOT-587125.
3. MAMAMADGOUS ABDULAREHMANA MAGI
AGE. 62 YEARS, OCC. PRESIDENT OF
PERFECT PATTAN PATTINA
SAHAKARI SANGHA ILKAL
R/O ILKAL, TQ. HUNGUND,
DIST. BAGALKOT-587125.

...PETITIONERS

(BY SRI. GURUDEV I. GACHCHINAMATH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY ILKAL POLICE STATION
HUNGUND CIRCLE,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA, DHARWAD.
2. SIDDAYYA S/O VEERABASAYYA KESARBAVIMATH
AGE. 58 YEARS, OCC. AGRICULTURE,
R/O HUNGUND, DIST. BAGALKOT-587154.

...RESPONDENTS

(BY SRI. JAIRAM SIDDI, HCGP FOR R1)





THIS CRIMINAL REVISION PETITION IS FILED UNDER SECTION 397 R/W 401 OF CR.P.C. (438 R/W 442 OF BNSS), PRAYING TO CALL FOR RECORDS IN RESPECT OF C.C. NO. 614/2021 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, HUNGUND AND SET ASIDE THE IMPUGNED ORDER DATED 22.02.2025 MADE IN C.C. NO. 614/2021 ORDER ON APPLICATION UNDER SECTION 239 OF CR.PC. PASSED BY THE SENIOR CIVIL JUDGE AND JMFC, HUNGUND AND FURTHER ALLOW THE APPLICATION FILED UNDER SECTION 239 OF CR.P.C. DISCHARGING THE ACCUSED NO. 1, 2 AND 4 FROM THE CHARGES LEVELED AGAINST THEM AND ETC.,.

THIS CRIMINAL REVISION PETITION COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

ORAL ORDER

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

1. Heard learned counsel Sri.Rahul for Sri.Gurudev I. Gachhinmath, learned counsel appearing for revision petitioner and Sri.Jairam Siddi, learned High Court Government Pleader for respondent/State.

2. It is noted that the defacto complainant is no more. Since the revision petition is only with regard to the rejection of the discharge application, substitution of the legal representative of respondent No.2 is not necessary.

3. Having heard the arguments of both sides, this Court perused the material on record meticulously.

4. On such perusal of the material on record, the Ilkal Police have filed the charge sheet came to be filed against the



petitioners herein based on the complaint lodged by the deceased-defacto complainant respondent No.2.

5. Gist of the charge sheet materials would depict that present petitioners, are Secretary, Clerk, Cashier and President, of the Perfect Pattina Sahakara Sangha Ltd., Ilkal.

6. The Complainant had deposited ₹9,90,000/- in the said society in the name of his family members. The deposit matured on 06.03.2014, and matured amount is to the tune of ₹21,46,495/-. The said amount was not paid to the complainant. Thereafter, the petitioners obtained a cheque from the complainant and, on 08.09.2016, they got encashed it by writing "self" and withdrawing the money, but failed to pay the complainant. Thus, all of them are alleged to have cheated the complainant.

7. The petitioners herein would contend that, at the most it is a civil liability and therefore there is no element of fraud involved in the incident and sought for discharge.

8. Learned trial Magistrate after entertaining the objections of the prosecution dismissed the application.

9. Being aggrieved by the same, the accused persons are before this Court in this revision.



10. Learned counsel Sri.Rahul, for Sri.Gurudev I. Gachhinmath, appearing for the petitioner, reiterating the grounds urged in the petition vehemently contented that petitioners are innocent of the offences alleged against them and they are no way connected with the alleged offences, inasmuch as non-payment of the amount covered under the fixed deposit is incorrect, inasmuch as complainant has drawn the said proceeds by issuing a cheque and therefore, sought for discharge.

11. Per contra, learned High Court Government Pleader opposes the revision grounds.

12. Having heard the arguments of both sides, it is crystal clear that the cheque signed by the defacto complainant is encashed by inserting "self" in the payee column and later withdrawn by the present petitioners in active collusion in the charge sheet allegation.

13. Whether at all they did so or not is a question that has to be decided in the trial, after the parties place their respective evidence on record.



14. As such, it is not a simple case of non-payment of money so as to term that it is a civil dispute simpliciter. On the contrary it is prima facie case of fraud.

15. In view of the allegations made by the complainant that a self cheque was obtained by the petitioners and thereafter misused to draw the fixed deposit amount, this Court cannot hold a mini-trial to assess the merits and demerits of the case.

16. Therefore, the order of rejecting discharge application by the learned trial Magistrate is just and proper, particularly in the light of the principles of law enunciated by the Hon'ble Apex Court in the case of ***State of Orissa v. Debendra Nath Padhi*¹**.

17. Accordingly, this Court finds no ground to interfere with the impugned order.

18. Hence, the following order:

ORDER

The petition stands ***dismissed***.

Sd/-
(V.SRISHANANDA)
JUDGE

¹ (2005) 1 SCC 568