IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 23RD DAY OF JUNE, 2023

BEFORE

THE HON'BLE MR JUSTICE V.SRISHANANDA

CRIMINAL REVISION PETITION NO. 100004 OF 2023

BETWEEN:

SHRI. UMESH S/O. YALLAPPA PANTED,
AGE: 52 YEARS, OCC: CONTRACTOR,
R/O: BESIDE NADAF OIL MILL,
SOUNDATTI-DHARWAD ROAD,
SOUNDATTI- 591126
DIST: BELAGAVI.

...PETITIONER

(BY SRI. ANAND KUMAR ASHTEKAR, ADVOCATE)

AND:

SHRI. SACHINKUMAR S/O. SANTOSHCHAND
CHOPRA PROPRIETOR VANDANA TIMBER AND
CERAMICS, AGE: 43 YEARS,
OCC: BUSINESS,
R/O: NEAR STATE BANK OF INDIA,
SAUNDATTI, DIST: BELAGAVI -591 126.

...RESPONDENT

(NOTICE TO RESPONDENT IS SERVED)

CHANDRASHEKAR LAXMAN KATTIMANI

Digitally signed by CHANDRASHEKAR LAXMAN KATTIMANI
Date: 2023.06.28 15:11:39 -0700

THIS CRIMINAL REVISION PETITION IS FILED UNDER SECTION 397 R/W 401 OF CR.PC., SEEKING TO CALL FOR RECORDS OF THE CASE BEARING CC NO. 237/2014 FROM THE COURT OF THE II ADDITIONAL CIVIL JUDGE AND JMFC SAUNDATTI AT SAUNDATTI AND THE RECORDS OF CRIMINAL APPEAL NO 403/2019 FROM THE COURT OF THE IX ADDITIONAL DISTRICT AND SESSIONS JUDGE, BELAGAVI AND TO ALLOW THE PRESENT REVISION PETITION AND SET ASIDE THE JUDGMENT AND ORDER DATED 23.9.2022 PASSED BY THE IX ADDITIONAL DISTRICT AND SESSIONS JUDGE, BELAGAVI

AT BELAGAVI IN CRIMINAL APPEAL NO. 403/2019 CONFIRMING THE JUDGMENT DATED 25.09.2019 PASSED BY THE II ADDITIONAL CIVIL JUDGE AND JMFC, SAUNDATTI IN CC NO. 237/2014 AND ACQUIT THE PETITIONER/ACCUSED FOR THE OFFENCES PUNISHABLE UNDER SECTION 138 OF N.I.ACT.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Learned counsel for the petitioner has filed a memo. Memo reads as under:

> "Herein the memo submitted on behalf of the petitioner is as under:
>
> That, the Trial Court in C.C.No.237/2014 has levied fine amount of Rs.3,65,000/-(Rupees Three Lakh Sixty Five Thousand only) on the petitioner. Out of which Rs.2,25,000/- (Rupees Two Lakh Twenty Five Thousand only) is already deposited by the petitioner. The petitioner undertakes to pay the balance amount of Rs.1,40,000/- (Rupees One Lakh Forty Thousand Only) within a period of three months.
>
> Hence the memo."

2. There is no representation on behalf of the respondent though served with the notice of the present revision petition. Pursuant to the order

passed by the learned Magistrate and confirmed by the learned District Judge in the criminal appeal, a sum of Rs.2,25,000/- is deposited. Insofar as balance amount of Rs.1,40,000/- towards the fine amount, revision petitioner has undertaken to pay within three months.

3. Placing the memo on record, criminal revision petition stands disposed off. However, if the balance fine amount is not paid/deposited, the trial Court shall take such steps to proceed against the petitioner in accordance with law.

Sd/-
JUDGE

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List No.: 2 Sl No.: 38