IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 3RD DAY OF APRIL, 2025

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL REVISION PETITION NO.100126 OF 2023
(397(Cr.PC)/438(BNSS))

BETWEEN:

SHRI KYSARPASHA @ AZAR PASHA S/O. APASARAPASHA,
AGE: 43 YEARS, OCC. MEAT BUSINESS,
R/O. NO. 2ND CROSS, 1ST FLOOR, R.K.PALACE,
BANGALURU, PIN CODE-590006.

...PETITIONER

(BY SRI GIRIJA S. HIREMATH, ADVOCATE)

AND:

SHRI AMEENSAB MASHEKASAB TAKKALAKI
@ AMEENSAB S/O. MASHEKASAB TAKKALAKI,
AGE: 41 YEARS, OCC. BUSINESS,
R/O. BILKERI VILLAGE, BAGALKOTE,
TQ. AND DIST. BAGALKOTE, PIN CODE-587207.

...RESPONDENT

(BY SRI PRANAV BADAGI, ADVOCATE FOR
SRI S.B. HEBBALLI, ADVOCATE)

MALLIKARJUN RUDRAYYA KALMATH
Digitally signed by MALLIKARJUN RUDRAYYA KALMATH
Location: High Court of Karnataka, Dharwad Bench
Date: 2025.04.09 15:58:02 +0530

THIS CRIMINAL REVISION PETITION IS FILED U/SEC. 397 R/W. 401 OF CR.P.C. SEEKING TO CALL FOR RECORDS AND ALLOW THE REVISION PETITION, TO SET ASIDE THE JUDGEMENT PASSED IN CRIMINAL APPEAL NO. 106/2019 DATED ON 08.08.2022 PASSED BY THE LEANED II ADDL. DISTRICT AND SESSIONS JUDGE, BAGALKOTE AND ALSO THE JUDGMENT AND ORDER PASSED IN C.C. NO. 192/2017 DATED 17.10.2019 PASSED BY THE LEARNED ADDL. CIVIL JUDGE AND J.M.F.C. BAGALKOTE, FOR OFFENCE P/U/SEC. 138 OF N.I. ACT AND ALLOW THE REVISION PETITION.

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

ORAL ORDER

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

1. Smt.Girija S. Hiremath, learned counsel for the revision petitioner would submit that the accused has undergone the default sentence having been unable to comply the interim order of this Court.

2. Learned counsel for the respondent submits mere undergoing the imprisonment would not *ipso-facto*, efface the order of conviction and he may be permitted to take recourse to the law under Section 421 of the Criminal Procedure Code, (for short, 'the Cr.P.C.').

3. Placing the submission of Smt.Girija Hiremath, and Sri.Pranav Badagi on behalf of Sri.S.B.Hebballi, revision petition is disposed of reserving liberty for complainant to exhaust the remedy available to the complainant under Section 421 of the Cr.P.C.

Sd/-
(V.SRISHANANDA)
JUDGE

AC
CT:PA/List No.: 2 Sl No.: 14