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. 100323 OF 2023

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

BETWEEN:

HEEERARAM S/O. DEEPARAM
AGED ABOUT 50 YEARS,
C/O. MAFATIAL TEXTILE,
OPPOSITE MUNICIPAL OFFICE,
SINDHANUR ROAD, SIRUGUPPA,
BALLARI DISTRICT-583101.

...PETITIONER

(BY SMT. SOUBHAGYA S. VAKKUND, ADVOCATE)

AND:

SMT. MAHADEVAMMA W/O. B. RAJAGOUDA,
AGED ABOUT 70 YEARS, OCC. AGRICULTURIST,
R/O. RARAVI VILLAGE, SIRUGUPPA TALUK,
BALLARI DISTRICT-583101.

...RESPONDENT

(BY SRI. RAJENDRA R. PATIL, ADVOCATE FOR SRI. SRINAND A. PACCHAPURE, ADVOCATE)

CHANDRASHEKAR LAXMAN KATTIMANI

Digitally signed by CHANDRASHEKAR LAXMAN KATTIMANI
Date: 2026.02.28 11:25:25 +0530

THIS CRIMINAL REVISION PETITION IS FILED U/SEC. 397 R/W 401 OF CR.P.C. SEEKING TO CALL FOR RECORDS OF TRIAL COURT AND SET ASIDE THE ORDER DATED 6.6.2023 IN CRIMINAL APPEAL 11/2023 OFFENCES PUNISHABLE U/S 138 OF NI ACT PASSED BY THE IV ADDL. DIST AND SESSIONS JUDGE (EXCLUSIVE DEDICATED COMMERCIAL COURT) AT BALLARI CONFIRMING THE ORDER DATED 30.1.2023 PASSED IN CC 357/2028 PASSED BY THE PRL. CIVIL JUDGE AND JMFC AT BALLARI, IN THE INTEREST OF JUSTICE.

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. Heard Smt. Soubhagya S. Vakkund, learned counsel for the petitioner and Sri. Rajendra R. Patil, learned counsel appearing on behalf of Sri. Srinand A. Pachhapure, learned counsel for the respondent.

2. Accused is the revision petitioner who has suffered an order of conviction dated 30.01.2023 passed in C.C.No.357/2018 by the Principal Civil Judge and JMFC, Ballari[1], which is confirmed in Criminal Appeal No.11/2023 by the IV Additional District and Sessions Judge (Exclusive Dedicated Commercial Court), Ballari[2], vide its judgment dated 06.06.2023.

3. Facts in nutshell which are utmost necessary for disposal of the present revision petition are as under:

3.1. A private complaint came to be lodged under Section 200 of Code of Criminal Procedure, 1973, alleging

[1] For short, 'the Trial Court'

[2] For short, 'the First Appellate Court'

the offence punishable under Section 138 of Negotiable Instruments Act,1881[3].

3.2. Complaint averments would reveal that the accused is acquainted with the husband of the complainant. The husband of the complainant used to transport the agricultural produce to the rice industries of the accused for the sale and trade purpose.

3.3. In the month of April-2017, accused borrowed hand loan of Rs.6,00,000/- from the complainant and agreed to repay the same within two months.

3.4. The accused on 05.06.2017 has issued a cheque bearing No.570765 for Rs.6,00,000/-, which on presentation came to be dishonored stating that 'funds insufficient'. There was no compliance to the callings of statutory notice and hence, sought for action.

4. Learned Trial Magistrate after completing the necessary formalities recorded the evidence of the complainant.

[3] For short, 'N.I. Act'

5. The complainant examined herself as PW1, and the documents produced by her namely cheque, bank endorsement, legal notice, postal receipt and postal acknowledgement were marked as Exhibits P1 to P5.

6. Thereafter, the learned Trial Magistrate convicted the accused for the offence punishable under Section 138 of N I Act, and awarded fine amount of Rs.8,00,000/-. Out of which a sum of Rs.10,000/- towards defraying expenses to the State.

7. Being aggrieved by the same, accused filed an appeal in Criminal Appeal No.11/2023.

8. Learned Judge in the First Appellate Court after securing the records, heard the argument of the parties and dismissed the appeal.

9. Being further aggrieved by the same, the accused is before this Court in this Revision Petition.

10. Learned counsel for the petitioner reiterating the grounds urged in the petition vehemently contended that both the Courts have not properly taken note of the

material evidence on record and wrongly convicted the accused and sought for allowing of the revision petition.

11. *Per contra*, learned counsel for the respondent supports the impugned judgment.

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

13. On such perusal of the material on record, it is noticed that the chaque in question which is marked at Exhibit P1 belongs to the accused and signature found therein is that of the accused.

14. According to the complainant the same was issued by the accused towards the repayment of hand loan.

15. Admittedly, the statutory notice was not replied though duly served on the accused.

16. Thus, the learned Trial Magistrate raised the presumption under Section 139 of N.I. Act in favour of complainant; but to rebut the said presumption there is no defense evidence placed on record.

17. Under such circumstances, recording the order of conviction and imposing the fine amount of Rs.8,00,000/- is just and proper and requires no interference before this Court that too in the revisional jurisdiction.

18. Accordingly, the following:

ORDER

The petition is ***dismissed***.

Sd/-
(V.SRISHANANDA)
JUDGE

SMM / CT-CMU
LIST NO.: 1 SL NO.: 42