



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL REVISION PETITION NO. 632 OF 2026

BETWEEN:

1. SMT JAMUNA PARAMESHWAR@ JAMUNA
W/O PARAMESHWAR
AGED ABOUT 53 YEARS,
RESIDING AT NO.451/1, 1 FLOOR
CHANDRA NIVAS, NEAR DEEPTI NURSING
HOME, 2ND MAIN ROAD, 3RD CROSS,
ADUGODI, BENGALURU-560 030.

...PETITIONER

(BY SRI. KISHORE KUMAR L, ADVOCATE)

AND:

1. SMT BHAGYA @ BHAGYAMMA
W/O DHANAKEERTHI,
AGED ABOUT 45 YEARS,
R/AT NO.46, HOSUR MAIN ROAD,
ADUGODI BENGALURU-560 030.

...RESPONDENT

THIS CRL.RP IS FILED U/S.397 R/W 401 CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONBLE COURT MAY BE PLEASED TO SET ASIDE THE JUDGMENTS AND SENTENCE DATED 04.10.2023 IN CC NO.30129/2019 PASSED BY THE XIII ADDL.CJM AT BENGALURU THE PETITIONER HAS PREFERRED CRL.A BEFORE THE LVI ADDL.CITY CIVIL AND SESSIONS JUDGE AT BENGALURU IN CRL.A NO.1562/2023 DATED 05.03.2026 AND ACQUIT THE PETITIONER IN THE ABOVE CASE.





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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard the learned counsel for the revision petitioner.

2. This matter is listed for admission.

3. The factual matrix of the case of complainant before the trial Court are that the accused and the complainant are well known to each other, the accused approached the complainant for hand loan of Rs.4,50,000/- for her financial difficulties and agreed to repay the said amount on or before 5th of every month. The accused, her husband and her daughter have jointly borrowed the said amount and they have executed the loan agreement dated 27.12.2018 in favour of complainant. After borrowing the said amount, the accused has failed to repay the hand loan amount as per loan agreement. In spite of repeated requests, the accused did not repay the said amount. Accordingly, the



accused in discharge of the said debt and liability, issued two cheques. Thereafter, the complainant presented the said cheques for encashment but the same got returned with an endorsement 'funds insufficient and kindly contact drawer' on 11.10.2019 and 19.10.2019 respectively and the same is intimated to the accused. But accused never turned up to repay the said Cheque amount. The complainant issued legal notice to the accused on 28.10.2019 and the same was duly served on accused on 29.10.2019 and the same went in vain. The complainant with no other alternative, filed complaint against the accused. The cognizance was taken and the accused was secured and pleaded not guilty. Hence, he claims trial.

4. In order to prove the case of complainant, she examined herself as P.W.1 and got marked 21 documents as Exs.P1 to Ex.P21. Thereafter, the accused was subjected to recording of statement under Section 313 of Cr.P.C., wherein she denied the incriminating material appearing in the evidence of complainant and submits that



she has defence evidence to make. Even though opportunity was given to the accused, she did not led her defence evidence. The trial Court considering the material on record, convicted and sentenced the accused for the offence punishable under Section 138 of Negotiable Instruments Act, 1881 (hereinafter referred to as 'N.I.Act' for short). The said judgment is challenged before the appellate Court in Crl.A.No.1562/2023 c/w. Crl.A.No.102/2024. The appellate Court also re-appreciated the evidence on record comes to the conclusion that the trial Court has rightly convicted and sentenced the accused for the aforesaid offence. Being aggrieved by judgments of both the Courts, the revision petitioner is before this Court in the present revision.

5. Learned counsel for the revision petitioner would contend that the judgments of both the Courts suffers from serious infirmities as it is based on only presumptions and not on facts or evidence on record. He further contend that both the Courts have failed to



appreciate the cross-examination of P.W.1 wherein, he categorically admits that he did not know the house of the accused and accused sounds good financially. It is contend that the respondent has utterly failed to prove his case, which requires interference of this Court by exercising revision powers.

6. Having heard the learned counsel for the revision petitioner and the material available on record, particularly the documents at Exs.P11 to Ex.P19 which clearly discloses that there was a family property and the portion of the said property has been acquired by the BBMP for which compensation was awarded. Ex.P20 is the bank account statement of husband of complainant and Ex.P21 is the bank account statement of complainant which disclose that the complainant was having sufficient amount before advancing the loan to the accused. However, the accused has taken the defence that the complainant was not having huge money to lend loan is not acceptable and another defence taken by the accused



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that the complainant has not given the entire amount through Cheque. Moreover, the accused has not led any defence before the trial Court. Therefore, the trial Court comes to the conclusion that the issuance of Cheque as well as the agreement that there was a transaction for an amount of Rs.4,50,000/- and to repay the said amount on fifth of every month. The appellate Court also reassessed both oral and documentary evidence on record and confirmed the judgment of the trial Court. Having considered the documentary evidence produced before the Court, the accused failed to take the defence with regard to issuance of Cheque in favour of complainant and there is no dispute with regard to lodging of complaint before the Audugodi Police Station but her only contention is that she is under pressure and has issued another Cheque. However, to substantiate the same, no evidence is led. When such being the case, I do not find any ground to admit the revision and the scope of revision is very limited, i.e. to examine whether the judgments of both



trial Court as well as appellate Court suffers from its legality and correctness. Accordingly, the revision petition is ***dismissed***.

**Sd/-
(H.P.SANDESH)
JUDGE**

SSD
List No.: 1 Sl No.: 42