



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2026

BEFORE

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

CRIMINAL REVISION PETITION NO.871 OF 2026

BETWEEN:

SRI JUNAID PASHA S
S/O SADIQ PASHA
AGED ABOUT 30 YEARS
R/AT FORD, WARD NO.7
NEAR HOTEL GURU BHARATHI
SIDLAGHATTA TOWN
CHIKKABALLAPURA DISTRICT -562105

...PETITIONER

(BY SRI. KALYAN R, ADVOCATE)

AND:

SMT. NOOR-E-ASMA
W/O ANSAR PASHA
AGED ABOUT 35 YEARS
R/AT FIRST TMC LAYOUT
WARD NO.16
SIDLAGHATTA TOWN
CHIKKABALLAPURA DISTRICT-562105

...RESPONDENT

THIS CRL.RP IS FILED U/S.397 R/W 401 (U/S.438 R/W SEC.442 BNSS) OF CR.P.C PRAYING TO SET ASIDE THE IMPUGNED JUDGMENT AND ORDER OF CONVICTION DATED 13.03.2026 PASSED BY II ADDL DISTRICT AND SESSIONS





JUDGE, CHIKKABALLAPURA SITTING AT CHINTAMANI IN
CRL.A.NO.20/2025 AND ETC.

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

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

ORAL ORDER

This revision petition is filed against the judgment of conviction dated 21.06.2025 passed in C.C.No.60/2022 by the Trial Court and also against the judgment of confirmation dated 13.03.2026 passed in Crl.A.No.20/2025 by the Appellate Court.

2. This petition is listed for admission. Heard the learned counsel appearing for the petitioner.

3. The factual matrix of case of the complainant before the Trial Court is that accused had taken hand loan of Rs.1,00,000/- to meet his family and legal necessities and for improvement of his business. Having considered his urgency, the complainant had paid the amount in the second week of December 2021 and for security for the said amount, accused issued post dated 04.01.2022 cheque. Accused had requested



the complainant not to present the said cheque as he has not arranged the amount in his account due to personal problems and requested to present the same on 29.01.2022. As per the request of the accused, the cheque was presented on 29.01.2022. When the cheque was presented, the same was returned with an endorsement 'payment stopped by the drawer' on 01.02.2022. Immediately, notice was issued and the same was served but no reply was given. Hence, complaint was lodged and cognizance was taken. The accused was secured and he did not plead guilty and claims the trial.

4. In order to prove the case of the complainant, she herself examined as PW1 and got marked the documents at Ex.P1 to P7 and accused either led any defence evidence or produced any documents. The Trial Court taken note of defence which was taken in the cross-examination of PW1 wherein specific suggestion was made that complainant and her husband both have stolen the cheque and the said defence was denied. In order to prove the fact that cheque was stolen by the complainant, nothing is elicited from the mouth of PW1 and not disputed the cheque and also the signature and no any



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defence evidence and also there is no rebuttal evidence under Section 139 of N.I. Act. Hence, the Trial Court convicted and sentenced the accused.

5. Being aggrieved by the judgment of the Trial Court, an appeal was preferred before the Appellate Court. The Appellate Court also having reassessed both oral and documentary evidence on record, taken note of reason for dishonour of the cheque in paragraph 16 and also taken note of the defence which was taken in paragraphs 17 and 18 and comes to the conclusion that in order to disprove the case of the complainant, accused has not examined himself or effectively cross-examined PW1 and the same is observed in paragraph 19 and also in paragraph 21 and comes to the conclusion that there is no evidence forth coming to disprove the case of the complainant and accused has not made any efforts either to get back the cheque from the complainant or initiate any action against her for misuse of cheque issued by him. Hence, confirmed the judgment of the Trial Court having relied upon the judgment of Apex Court in the case of **Rangappa vs Mohan** reported in **(2010) 11 SCC 441** of with



regard to the presumption of Sections 139 and 118 of N.I. Act. A mere adducing ocular evidence or giving plausible explanations by the accused does not probabilise his defence in the absence of circumstances which creates doubt in the mind of the court and confirmed the judgment of the Trial Court.

6. Being aggrieved by the concurrent finding of both the Courts, the present revision petition is filed before this Court.

7. The main contention of the counsel appearing for the petitioner before this Court is that the respondent has admitted during the cross-examination that not having the financial capacity to lend such an amount at the relevant time. But both the Courts failed to consider the same. The counsel also vehemently contend that petitioner and her husband have two private complaints alleging that the accused has issued cheque and on presentation of the same, came to returned as 'payment stopped by the drawer'. The complainant in the present case is homemaker and not earning. Therefore, the foundation laid by the complainant that she used to purchase



silkworm cocoons from the accused is false. Hence, interference of this Court is required.

8. Having heard the counsel for the petitioner and also on perusal of the material on record, it discloses that the very case of the complainant that both herself and her husband running Silk Filature factory and they used to purchase the materials from the accused and accused also in order to improve his business and family necessities, sought for an amount of Rs.1,00,000/-. In the case on hand, issuance of cheque is not disputed and signature also not disputed. When notice was issued, no reply was given. Thus, no immediate defence was taken that cheque was stolen. But only during the course of cross-examination, the said defence was taken. Hence, the Trial Court not accepted the defence of the accused. Both the Courts having considered the evidence available on record comes to the conclusion that accused has not rebutted the case of the complainant placing cogent evidence. Under such circumstances, judgment of both the Courts not suffers from any legality and correctness and this Court also not found any reason to interfere with the findings of the Trial Court and



Appellate Court. Hence, no ground is made out to entertain the revision petition. Accordingly, the revision petition is dismissed.

9. In view of dismissal of the main petition, I.A. if any, does not survive for consideration and the same stands disposed of.

Sd/-
(H.P.SANDESH)
JUDGE

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