



CNR: KAHC010448382016

NC: 2026:KHC:39728
CRL.RP No. 1354 of 2016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL REVISION PETITION NO. 1354 OF 2016

BETWEEN:

K.R. KRISHNAPPA
S/O B RANGAPPA
AGED ABOUT 48 YEARS,
R/O KODIRAMPURA VILLAGE,
DODDERI HOBLI,
MADHUGIRI TALUK-561 008

...PETITIONER

(BY SRI. ANANDEESWAR D.R, ADVOCATE)

AND:

N.V. GIRIDHAR
SINCE DECEASED BY HIS LR'S
ARUNA N.G
D/O LATE N.V GIRIDHAR
W/O MANJUNATH REDDY
RESIDING AT NO.41, ELITE GARDEN
SATHANUR VILLAGE
BAGALURU ROAD
BANGALORE-560 0149

...RESPONDENT

(BY SRI. KUMAR RAM C.M, ADVOCATE)





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THIS CRL.RP IS FILED U/S.397 R/W 401 CR.P.C PRAYING TO SET ASIDE THE JUDGMENT AND SENTENCE DATED 18.11.2015 PASSED BY THE ADDL. C.J. AND J.M.F.C., MADHUGIRI IN C.C.NO.401/2013 AND ALSO THE IMPUGNED JUDGMENT DATED 1.10.2016 PASSED BY THE IV ADDL. DIST. AND S.J, MADHUGIRI IN CRL.A.NO.5018/2015.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

I.A.No.2/2026 filed by the revision petitioner under Section 482 of Cr.P.C. seeking recall of the final order dated 03.04.2025 passed in this revision petition and for disposal of the revision petition afresh after affording an opportunity of hearing to the revision petitioner.

2. The application is accompanied with the affidavit of the revision petitioner. It is averred therein that, during the course of hearing of the revision petition, the learned counsel for the revision petitioner remained absent. Consequently, this



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Court appointed Mr. Pramod C. Totad as *amicus curiae*. After hearing the learned *amicus curiae*, this Court, by its order dated 03.04.2025, partly allowed the revision petition and modified the judgment of conviction and order of sentence dated 18.11.2015 passed in C.C. No.401/2013 by the Additional Civil Judge and JMFC, Madhugiri (for short, 'the Trial Court'), as confirmed by the judgment dated 01.10.2016 passed by the IV Additional District and Sessions Judge, Madhugiri (for short, 'the First Appellate Court') in Crl.A. No.5018/2015, by setting aside the separate sentence imposed by the Trial Court for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short, "the Act"), while leaving the remaining sentence imposed by the Trial Court undisturbed.

3. It is further averred in the affidavit that, due to the reason beyond his control, the learned counsel who had filed the criminal revision petition failed to appear before this Court at the time of hearing. It is stated that only after the respondent-complainant filed an application before the Trial Court seeking for issuance of a warrant pursuant to the final

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order passed by this Court, the revision petitioner came to know about the disposal of the revision petition. Thereafter, the present application came to be filed seeking recall of the said order.

4. Learned counsel for the revision petitioner further contended that the cheque in question, marked as Ex.P1, had been issued by the revision petitioner in favour of the respondent-complainant only as security in respect of the mortgage of the agricultural land. It was submitted that the mortgage came to be redeemed by a registered deed of release dated 15.04.2024, under which the revision petitioner repaid the entire mortgage amount of Rs.6,00,000/-, comprising Rs.3,70,000/- by way of demand draft and Rs.2,30,000/- in cash. It was further submitted that the respondent-complainant acknowledged receipt of the said amount under the registered deed of release.

5. It is further contended that, after conviction of the revision petitioner by the Trial Court, during the pendency of the appeal before the First Appellate Court, an attempt was made to amicably settle the dispute, pursuant to which the

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revision petitioner paid a sum of Rs.1,00,000/- to the original complainant. The said payment finds reference in paragraph No.21 of the judgment dated 01.10.2016 passed in Crl.A. No.5018/2015. However, as the settlement did not fructify, the First Appellate Court proceeded to affirm the judgment of conviction and order of sentence passed by the Trial Court. Aggrieved thereby, the revision petitioner preferred the criminal revision petition before this Court.

6. This Court on 03.04.2025 has passed the order partly allowing the criminal revision petition as aforesaid.

7. Today, the learned counsel for the revision petitioner and the learned counsel for the respondent have filed a joint memo stating that the parties have amicably settled the dispute out of Court. Under the terms of the settlement, the revision petitioner–accused has agreed to pay a total sum of Rs.1,50,000/- to the respondent–complainant, inclusive of the sum of Rs.1,00,000/- already paid to the original complainant during the pendency of the appeal before the First Appellate Court. It is further stated that the balance amount of Rs.50,000/- has been paid today by way of demand draft to the



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husband of the respondent, who has acknowledged receipt of the same. In view of the said settlement, both the parties have jointly prayed that the present proceedings be allowed by setting aside the judgment of conviction and order of sentence passed by the Trial Court, as affirmed by the First Appellate Court by recalling the final order dated 03.04.2025 passed by this Court in this revision petition.

8. On careful scrutiny of the above facts and circumstance of the case, I am of the considered view that, the revision petitioner made out a case to recall the final order dated 03.04.2025 passed by this Court. Accordingly, the I.A No.2/2026 is **allowed** and the final order dated 03.04.2025 is recalled and the revision petition is restored to its file.

9. In the peculiar facts and circumstances of the case, and having regard to the nature of the transaction between the parties and the settlement now arrived at between the parties as aforesaid, I am of the considered view that the compromise arrived between the parties deserves to be accepted. Accordingly, the joint memo is taken on record, and the parties



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are permitted to compound the offence in terms thereof.

Accordingly, I proceed to pass the following:

ORDER

- i. The criminal revision petition is ***allowed***.
- ii. Consequently, the judgment of conviction and order of sentence dated 18.11.2015 passed in C.C.No.401/2013 by the Additional Civil Judge and JMFC, Madhugiri, which was affirmed by the IV Additional District and Sessions Judge, Madhugiri in CrI.A.No.5018/2015 dated 01.10.2016 is hereby set aside.
- iii. The revision petitioner is acquitted for the offences punishable under Section 138 of NI Act.

**SD/-
(RAJESH RAI K)
JUDGE**

CR
List No.: 1 Sl No.: 2