



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 3RD DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE V SRISHANANDA
CRIMINAL REVISION PETITION NO. 158 OF 2021
(397(Cr.PC) / 438(BNSS)-)
C/W
CRIMINAL REVISION PETITION NO. 1020 OF 2025

IN CRL.RP No. 158/2021:

BETWEEN:

M.S. SHANKARANARAYANA
S/O M. SRINIVASACHAR
AGED ABOUT 64 YEARS
R/O CAR STREET
THIRTHAHALLI TOWN
SHIVAMOGGA DISTRICT - 577 432.

...PETITIONER

(BY SRI P.N. HARISH, ADV.)

AND:

S.M. NARAYANA SWAMY
S/O S.K. MALLESHAPPA
AGED ABOUT 69 YEARS
R/O NO.303, SHIVA NILAYA
LBS NAGAR, SHIVAMOGGA - 577 201.

...RESPONDENT

(BY SRI D.P. PRASANNA, ADV.)

THIS CRL.RP IS FILED U/S.397 R/W 401 CR.P.C PRAYING TO SET ASIDE THE JUDGMENT AND ORDER DATED 28.09.2020 PASSED BY THE III ADDITIONAL SESSIONS JUDGE, SHIVAMOGGA IN CRL.A.NO.21/2020 IN SO FAR AS CONFIRMING THE ORDER OF CONVICTION AND SENTENCE DATED 02.01.2020 PASSED BY THE IV ADDITIONAL CIVIL JUDGE AND J.M.F.C., SHIVAMOGGA IN C.C.NO.1588/2012 AND THEREBY DISMISS THE COMPLAINT.





NC: 2026:KHC:12823
CRL.RP No. 158 of 2021
C/W CRL.RP No. 1020 of 2025

IN CRL.RP NO. 1020/2025:

BETWEEN:

S.M. NARAYANA SWAMY
S/O S.K. MALLESHAPPA
AGED ABOUT 73 YEARS
RO. NO.303, SHIVA NILAYA
LAL BAHADUR SHASTHRI NAGARA
SOWLANGA ROAD
SHIVAMOGA - 577 401.

...PETITIONER

(BY SRI D.P. PRASANNA, ADV.)

AND:

M.S. SHANKARANARAYANA
S/O M. SRINIVASACHARI
AGED ABOUT 68 YEARS
PROPRIETOR, M/S SRINIVASA
AGENCIES, CAR STREET
THIRTHAHALLI - 577 432.

...RESPONDENT

(BY SRI P.N. HARISH, ADV.)

THIS CRL.RP IS FILED U/S. 397 R/W 401 CR.P.C PRAYING TO SET ASIDE THE ORDER PASSED BY THE HONBLE III ADDL.SESIONS JUDGE SHIVAMOGGA IN CRL.A NO.21/2020 DATED 28.09.2020 AND CONFIRM THE JUDGMENT PASSED IN CC NO.1588/2012 DATED 02.01.2020 BY THE IV ADDL.CIVIL JUDGE AND JMFC SHIVAMOGGA.

THESE PETITIONS, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. These two revision petitions are filed by the accused and complainant respectively. While accused has challenged the conviction and sentence passed by trial Magistrate modified by



the First Appellate Court, complainant has challenged the order of the First Appellate Court reducing the fine amount.

2. Facts in the nutshell which are utmost necessary for disposal of the present petitions are as under:

Accused issued a cheque in a sum of ₹.2,25,000/- towards the repayment of the loan amount. Admittedly, said cheque got dishonoured with endorsement "Funds insufficient". There was no compliance to the callings of the notice. Therefore, action was initiated by the complainant. Learned trial Magistrate after completing the necessary formalities, recorded the evidence of the complainant as well as the oral evidence of the accused convicted the accused for the offence punishable under Section 138 of N.I. Act and imposed double the cheque amount as fine amount.

3. Being aggrieved by the same, accused filed an appeal before the District Court in Criminal Appeal No.21 of 2021.

4. Learned Judge in the First Appellate Court after securing the records, heard the arguments of the parties in



detail, noted that as per Ex.D1, a sum of ₹ 1,75,000/- has been paid by the accused to the complainant towards the loan amount and taking note of the fact that the minimum rate of interest is calculated on the balance sum of ₹.50,000/-, from 2004 to 2008, the amount payable by the accused to the complainant will be more than the cheque amount and has allowed the appeal in part reducing the fine amount from double cheque amount to sum of ₹.3,50,000/-.

5. Being further aggrieved by the same, accused is before this Court in this revision petition whereas the complainant has challenged the deduction of the fine amount from double the cheque amount to sum of ₹.3,50,000/-.

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

7. On such perusal of the material on record, there is no dispute that Ex.P1 cheque belongs to the accused and signature found therein is that of the accused.

8. Loan transaction is also established by the suggestions made to the complainant and production of Ex.D1



which is a bank passbook wherein repayments have been established.

9. However, in the cross-examination of accused, he categorically admits that apart from the payments that is reflected in the Ex.D1 passbook, there are few cash payments which has not been accounted by the complainant and thereby there was no legally recoverable debt covered under Ex.P1 and a blank cheque which has been given as a security at the time of taking loan has been misused by the complainant and thus, sought for allowing the revision petition.

10. Per contra, Sri D. P. Prasanna learned counsel for the complainant while opposing the revision grounds of the accused, contented that the unilateral deduction of the double the cheque amount as the fine amount by the First Appellate Court is incorrect and sought for allowing his revision petition.

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

12. Since the cheque is admittedly belonging to the accused and it has been dishonored and sum of ₹.1,75,000/- is



paid as per the entries found in Ex.D1, the learned trial Judge was not justified in imposing the double the cheque amount, which has been rightly rectified by the learned Judge in the First Appellate Court.

13. Since the transaction is admitted and the plea of discharge is not established by the accused of the entire loan amount, this Court does not find any legal infirmity in the judgment of the First Appellate Court, which confirms the order of conviction but has reduced the fine amount.

14. In view of the foregoing discussion, following:-

ORDER

Criminal Revision Petitions are dismissed.

Amount in deposit is ordered to be withdrawn by the complainant, under due identification.

Sd/-
(V SRISHANANDA)
JUDGE