

**IN THE HIGH COURT OF KARNATAKA
AT BENGALURU
DATED THIS THE 30TH DAY OF DECEMBER, 2020
BEFORE
THE HON'BLE MR. JUSTICE V. SRISHANANDA
CRIMINAL REVISION PETITION No.817/2020**

BETWEEN:

Sri. T.M. Ravikumar,
Aged about 37 years,
S/o. Sri. Marulappa,
R/at Puttaswamaiahnapalya,
Sira Gate Post,
Tumkur – 572 106.

...Petitioner

(By Sri. Kishan G.S., Advocate)

AND:

Sri. N. Shivanand,
Aged about 35 years,
S/o. C. Nagarajaiah,
R/at Bhaghavathi Nilaya,
Beside Bylanjaneyaswamy Temple,
Hanumanthapura,
Tumkur – 572 102.

...Respondent

(By Sri. Shivakumar H., Advocate)

This Criminal Revision Petition is filed under Section 397 read with 401 of Cr.P.C. praying to a) set aside the order dated 12.11.2020 passed by the VI Additional District and Sessions Judge, Tumakuru, in CrI.A.No.11/2019 (Annexure – B) and that of the order passed by the Principal Civil Judge and J.M.F.C., Tumakuru dated 04.02.2019 in C.C.No.5341/2015 (Annexure – A), convicting and sentencing the petitioner.

This Criminal Revision Petition coming on for *Orders*, this day, the Court made the following:

ORDER

Heard Sri. Kishan G.S., learned counsel appearing for the revision petitioner and Sri. Shivakumar H., learned counsel appearing for the respondent.

2. This revision petition is filed challenging the order passed in Criminal Appeal No.11/2019 on the file of the VI Addl. District & Sessions Judge, Tumakuru, whereby the said Court by its judgment dated 12.11.2020 confirmed the judgment dated 04.02.2019 passed in C.C.No.5341/2015 on the file of the Principal Civil Judge & JMFC-I, Tumakuru, whereby the revision petitioner-accused has been convicted for the offence under Section 138 of the Negotiable Instruments Act and ordered to undergo simple imprisonment for a period of six months and to pay a fine of Rs.4,10,000/-. It is also ordered that out of the fine amount, Rs.4,08,000/- shall be payable to the complainant as compensation under Section 357 Cr.P.C. and balance amount of Rs.2,000/- is

towards the fine to be remitted to the Government. It is further submitted that thereafter, the revision petitioner-accused has been arrested by the police and sent to the civil prison.

3. Before this Court, in this revision petition, while challenging the validity of both the judgments, parties have amicably settled the dispute *interse* whereby the revision petitioner-accused has deposited a sum of Rs.3,50,000/- to the account of the complainant in Canara Bank, Ashok Nagar Branch, bearing account No.1960101053227 on 28.12.2020. Counter foil of the paying slip is also annexed to the Compromise petition.

4. Sri. Shivakumar H., learned counsel appearing for the respondent-complainant confirms that the said amount of Rs.3,50,000/- is credited to the account of the complainant.

5. In view of the settlement, the following order is passed:

ORDER

Criminal Revision Petition is *allowed*. The conviction order dated 04.02.2019 passed in C.C.No.5341/2015 by the Principal Civil Judge & JMFC-I, Tumakuru, and confirmed by judgment dated 12.11.2020 in Criminal Appeal No.11/2019 by the VI Addl. District & Sessions Judge, Tumakuru, is hereby set aside and the accused is acquitted of the offence under Section 138 of the Negotiable Instruments Act.

A sum of Rs.82,000/- deposited before the trial Court when the appeal was pending, is ordered to be refunded to the revision-petitioner-accused under due identification.

In view of the fact that revision petition being allowed and accused being acquitted, accused be set at liberty forthwith.

The Registrar (Judicial) is directed to communicate the same to the prison authorities at Tumakuru as per the memo filed by the

revision petitioner-accused through E-mail as well as Fax along with necessary release order.

Ordered accordingly.

**Sd/-
JUDGE**

SV