

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 31<sup>ST</sup> DAY OF AUGUST, 2021**

**BEFORE**

**THE HON'BLE MR. JUSTICE K. NATARAJAN**

**CRIMINAL REVISION PETITION NO.521 OF 2021**

**BETWEEN:**

SRI RUPLA NAIKA  
S/O. PURYA NAIKA,  
AGED ABOUT 41 YEARS,  
ATTENDER, G.K. HIGH SCHOOL,  
ASHOK NAGAR, SHIVAMOGGA,  
RESIDENT OF SALBAL TANDA,  
NYAMATHI POST,  
HONNALI TALUK,  
DAVANAGERE DISTRICT – 577 223.

... PETITIONER

(BY SRI GOPALAKRISHNAMURTHY C., ADV.)

**AND:**

SURESH NAIK  
S/O. M. RAMA NAIK,  
AGED ABOUT 44 YEARS,  
BUSINESSMEN,  
RESIDENT OF S.S. FRUITS,  
CHAMEGOWDA AREA, B.H. ROAD,  
BHADRAVATHI TALUK AND TOWN,  
SHIVAMOGGA DISTRICT – 577 301.

... RESPONDENT

(BY SRI N.R. VEERENDRA NAIK, ADV.)

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THIS CRIMINAL REVISION PETITION IS FILED UNDER SECTION 397(1) READ WITH SECTION 401 OF THE CR.P.C. PRAYING TO SET ASIDE THE JUDGMENT AND ORDER PASSED BY THE PRINCIPAL SENIOR CIVIL JUDGE AND J.M.F.C., AT BHADRAVATHI, IN C.C. NO.188 OF 2019 DATED 26-2-2020 AND THE JUDGMENT AND ORDER OF THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, SHIVAMOGGA, SITTING AT BHADRAVATHI, IN CRIMINAL APPEAL NO.5009 OF 2020 DATED 5-12-2020 AND ACQUIT THE PETITIONER BY ALLOWING THIS PETITION FOR THE ALLEGED OFFENCE UNDER SECTION 138 OF THE NEGOTIABLE INSTRUMENTS ACT.

THIS CRIMINAL REVISION PETITION IS COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

### **ORDER**

Learned counsel for the petitioner-accused and the learned counsel for the respondent-complainant along with their respective parties are present before the Court.

2. Learned counsel appearing on both side submit that they have filed I.A. No.3 of 2021, a joint compromise application under Section 147 of the Negotiable Instruments Act, 1881. The respondent-complainant submits that he has received the entire cheque amount from the petitioner-accused.

3. The same is placed on record. Accordingly, I.A. No.3 of 2021 is allowed.

4. In view of the compromise entered into between the parties, the criminal revision petition is ***allowed***.

5. The judgment of conviction and order on sentence dated 26-2-2020 in Criminal Case No.188 of 2019 passed by the Principal Senior Civil Judge and J.M.F.C. at Bhadravathi, and confirmed by the IV Additional District and Sessions Judge, Shivamogga, Sitting at Bhadravathi, in Criminal Appeal No.5009 of 2020 dated 5-12-2020 are hereby set aside. The petitioner-accused is acquitted of the charges leveled against him for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

6. Bail bonds, if any, shall stand cancelled.

The amount in deposit before the Trial Court is directed to be released in favour of the petitioner-accused on proper identification and acknowledgment.

**SD/-  
JUDGE**

kvk