

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

DATED THIS THE 30<sup>TH</sup> DAY OF SEPTEMBER 2022

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

**CRIMINAL REVISION PETITION NO.331 OF 2020**

BETWEEN:

SRI.VICTOR VINOD KUMAR G.  
S/O GIDEON JOSEPH,  
AGED ABOUT 68 YEARS,  
RESIDING AT NO.730,  
2<sup>ND</sup> CROSS, 19<sup>TH</sup> MAIN,  
MEI LAYOUT, BAGALAGUNTE,  
NAGASANDRA POST,  
BENGALURU - 560 073.

... PETITIONER

(BY SRI. VENKATESH H.N., ADVOCATE) (PH)

AND:

B.H.NARASIMHA MURTHY,  
S/O LATE HANUMANTHAPPA,  
AGED ABOUT 39 YEARS,  
RESIDING AT SITE NO.78,  
HOUSE NO.1616, NEAR SHRUSTI SCHOOL,  
GANAPATHINAGARA, ACHARYA COLLEGE ROAD,  
ACHITNAGARA POST,  
BENGALURU - 560 107.

... RESPONDENT

(BY SRI. VIJAY KUMAR R., ADVOCATE) (PH)

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THIS CRIMINAL REVISION PETITION IS FILED UNDER  
SECTION 397 R/W SECTION 401 OF CR.P.C, PRAYING TO SET  
ASIDE THE JUDGMENT AND SENTENCE IMPOSED DATED

13.01.2020 PASSED BY THE 8<sup>TH</sup> ADDITIONAL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, BENGALURU IN CRL.A.NO.82/2018 IN SO FAR AS IT PERTAINS TO CONFIRMATION OF CONVICTION RECORDED BY THE CJM, BENGALURU RURAL DISTRICT, BENGALURU IN C.C.NO.5836/2017 DATED 19.07.2018 BY ALLOWING THIS CRIMINAL REVISION PETITION AND ACQUIT THE PETITIONER IN ACCORDANCE WITH LAW.

THIS CRIMINAL REVISION PETITION IS COMING ON FOR ORDERS THROUGH VIDEO CONFERENCE/PHYSICAL HEARING, THIS DAY, THE COURT MADE THE FOLLOWING;

### **ORDER**

Learned counsel Sri. Vijay Kumar. R has filed vakalath for respondent/complainant and the same is taken on record.

2. This revision petition is preferred by the accused against his conviction and sentence passed by the Trial Court for the offence punishable under Section 138 of the N.I Act, which is confirmed by the Appellate Court.

3. The petitioner/accused has been sentenced to pay a fine of Rs.3,00,000/-, in default of payment, to undergo S.I for a period of six months. Out of the fine amount, a sum of Rs.2,95,000/- has been ordered as compensation payable to the complainant and the

remaining amount of Rs.5,000/- has been ordered to be remitted to the State.

4. An application under Section 147 of the N.I Act has been filed by the parties seeking permission to compound the offence. The said application is signed by both the parties as well as the learned counsel appearing for them.

5. It is stated that in terms of the compromise arrived between the petitioner and respondent, the petitioner has rendered a sum of Rs.2,75,000/- by way of demand draft No.015975 dated 29.09.2022 drawn on State Bank of India, Hesaragatta Road Branch, Bengaluru, drawn in favour of the respondent/complainant.

6. It is submitted that both the parties have mutually agreed to put an end to the dispute by entering into compromise petition. The complainant who is present before the Court has acknowledged the receipt

of the D.D mentioned above. He submits that the matter may be compounded.

7. The cheque amount is Rs.2,50,000/-. The parties have settled the dispute in terms of the compromise petition. The learned counsel for the petitioner submits that the petitioner is aged about 73 years and he is suffering from sever arthritis. He cannot walk properly and he is suffering from other age old health issues. He submits that the petitioner is a bonafide litigant and he had no intention to avoid any payment to the respondent and of his own volition, he has come forward to settle the dispute by paying an amount of Rs.25,000/- more than the cheque amount. He therefore, prays to reduce the cost to be imposed on the petitioner.

8. Having considered the facts and circumstances of the case and keeping in view the submission made by the learned counsel for the petitioner, I deem it appropriate to impose a cost of Rs.25,000/- (Rupees Twenty Five Thousand only) on the petitioner, which

shall be payable to the State Legal Services Authority.  
Hence, the following.

**ORDER**

The application filed under Section 147 of the N.I Act is allowed. Consequently the revision petition is allowed.

The judgment and order dated 19.07.2018 passed by the Court of Chief Judicial Magistrate, Bengaluru Rural District, Bengaluru in C.C No. 5836/2017 and dated 13.01.2020 passed by the Court of VIII Addl. District and Sessions Judge, Bengaluru Rural District, Bengaluru in Criminal Appeal No.82/2018 are set aside.

The petitioner/accused is acquitted of the offence punishable under Section 138 of the N.I Act.

The petitioner shall deposit a total sum of Rs.25,000/-(Rupees Twenty Five Thousand only) within a period of two weeks from today before the Trial Court including the amount already deposited/lying in the Trial Court. The Trial Court shall transmit the said amount of

Rs.25,000/-(Rupees Twenty Five Thousand only) to the State Legal Services Authority and compliance shall be intimated to this Court.

I.A No.1/2022 is disposed of.

I.A No.2/2022 is allowed.

**Sd/-  
JUDGE**

VS