



CNR: KAHC010479102024

NC: 2026:KHC:41277
CRL.RP No. 1079 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL REVISION PETITION NO.1079 OF 2024

BETWEEN:

1. DR. S.H. KRISHNAMURTHY
AGED ABOUT 63 YEARS
S/O SRI. HANUMANTHAPPA
SECRETARY
ADIDRAVIDA VIDYA SAMSTE
SASVEHALLI, HONNALI TALUK
DAVANAGERE-577 257

...PETITIONER

(BY SRI. THANISH C. REDDY, ADVOCATE FOR
SRI. ABHINAV RAMANAND A., ADVOCATE)

AND:

1. SRI. SUDARSHAN K.,
AGED ABOUT 28 YEARS
S/O SRI. K. RAMESH
OCC: ENGINEER
JAWAHAR LAL SCIENTIFIC RESEARCH CENTRE
NEAR DASARAHALLI, KEMPAPURA
BENGALURU - 560 024.

...RESPONDENT

(BY SRI. SHASHANK C., ADVOCATE FOR
SRI. VENUGOPAL M.S., ADVOCATE)

THIS CRL.RP IS FILED U/S.397 R/W 401 OF CR.P.C (U/S
438 R/W 442 BNSS) PRAYING TO SET ASIDE THE JUDGEMENT
AND ORDER DATED 22.01.2024 PASSED IN CRL.A.
NO.25045/2023 BY THE LXXII ADDITIONAL CITY CIVIL AND

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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SESSIONS JUDGE, MAYO HALL, BENGALURU AND THE JUDGEMENT AND ORDER DATED 07.01.2023 PASSED BY THE XXXIII ACMM, MAYO HALL UNIT, BENGALURU CITY, IN CC.NO.55612/2019 AND DISMISS THE CASE OF THE COMPLAINANT.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

This matter is listed for admission. I have heard learned counsel for the petitioner and learned counsel for the respondent.

2. The only contention of learned counsel for the petitioner before this Court is that the amount was paid by P.W.2-Geethamma and not by the complainant. But, the Trial Court taken note in paragraph No.17 that amount was paid to P.W.2 by P.W.1-complainant and Ex.P6 evidence the fact of transferring the amount of Rs.3,00,000/- by the complainant to P.W.2. In addition to that, accused himself suggested, he issued Ex.P1-Cheque to the complainant for security, but not explained as to what was the necessity for issuing the Cheque in question.



3. It is also important to note that, as per Ex.P8, P.W.2 paid Rs.3,00,000/- through RTGS to one Shanthamma, who is admittedly the wife of accused and said account is a joint account of accused and his wife Shanthamma. As such, the receipt of Rs.3,00,000 by the accused through his wife is clearly established by the complainant through Exs.P7 and P8. When such reasoning is given, now the contention of learned counsel for the petitioner is that P.W.2 may approach this petitioner to make payment. When the complainant himself was examined to the effect that P.W.2 made payment to the accused in terms of Ex.P6 and he made the payment of Rs.3,00,000/- to P.W.2 and the said amount was paid to the accused, that too, transferring the amount by way of RTGS, question of rival claim made by P.W.2-Geethamma, who has been examined, wherein she categorically deposed before the Court that with the amount of the complainant itself, she paid the payment as per the instructions of the complainant P.W.1, the contention of learned counsel for the revision petitioner cannot be accepted.



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4. Having perused the material available on record, no dispute with regard to the fact that amount was transferred by way of RTGS, that too, to the joint account of the accused and his wife and the same is admitted. When such material is available before the Court, I do not find any error on the part of the Trial Court and the First Appellate Court in considering the material with regard to the transaction between the complainant and accused. The orders of both the Courts not suffers from its legality and correctness and this Court can exercise the revisional powers only if there is miscarriage of justice in appreciating the evidence and the documents of Exs.P6 to P8 was taken note of by the Trial Court as well as the First Appellate Court. Hence, it does not require any interference.

Accordingly, the revision petition is ***dismissed.***

Sd/-
(H.P.SANDESH)
JUDGE

ST
List No.: 1 Sl No.: 33