

(2025) 09 KAR CK 0556

In the Karnataka High Court, Dharwad Bench

Case No : Criminal Revision Petition No. 100406 Of 2024
(397(CR.PC)/438(BNSS))

H. Shambu S/O. H. Babu Ganiga

APPELLANT

Vs

Janata Co-Operative Credit Society Ltd. Bhatkal Main Branch,
Bhatkal Taluk, R/By It's Manager

RESPONDENT

Date of Decision : 26-09-2025

Acts Referred:

Negotiable Instruments Act, 1881 — Section 138

Citation : (2025) 09 KAR CK 0556

Hon'ble Judges : S Vishwajith Shetty, J

Bench : Single Bench

Advocate : Divya Achari, Narayan V. Yaji

Final Decision : Allowed

Judgement

S.Vishwajith Shetty, J

1. Petitioner is before this Court challenging the judgment and order of conviction and sentence passed in CC No.601/2017 by the Court of Judicial Magistrate First Class, Bhatkal dated 17.11.2018 and the judgment and order passed in Criminal Appeal No.156/2018 by the Court of II Addl. District and Sessions Judge, Uttara Kannada, Karwar dated 27.08.2024.

2. Heard the learned counsel for the parties.

3. Petitioner, who was prosecuted for the offence punishable under Section 138 of the N. I. Act in CC No.601/2017 was convicted and sentenced for the said offence by the Court of JMFC, Bhatkal, by judgment and order dated 17.11.2018. The Appellate Court in Criminal Appeal No.156/2018 by judgment and order dated 27.08.2024 partly allowed the appeal and while confirming the judgment and order of conviction had modified the order of sentence passed by the Trial Court against the petitioner. It is under these circumstances, petitioner is before this Court.

4. During the pendency of this revision petition, the parties were referred to Mediation Centre, Dharwad and learned counsel for the parties submit that the dispute between the parties has been settled and a memorandum of agreement has been executed before the Mediation Centre, Dharwad by the parties on 23.09.2025. They accordingly, request this Court to dispose of this Criminal Revision Petition in terms of the settlement arrived between the parties before the Mediation Centre, Dharwad.

5. The memorandum of agreement dated 23.09.2025 executed by the parties before the Mediation Centre, Dharwad, is taken on record. The same is signed by the parties and also by their respective Advocates. In paragraph Nos.4 to 6 of the memorandum of agreement dated 23.09.2025, it is stated as follows:-

"4. During the pendency of the above case before this Hon'ble Court petitioner has settled, entire cheque amount to the respondent society and same was acknowledged it on 30.07.2025.

5. Now, herein, the petitioner and respondent are in good terms and decided not to proceed with matter in the future. Therefore, both parties want to compromise the matter once and for all. Hence, this petition for compromise is filed. The terms of the compromise are as under:-

a) That the petitioner has paid the entire amount to amount of Rs.2,00,000/- with interest to the respondent and same was acknowledged by the respondent as full and final settlement. There is no due from the petitioner in respect of loan transaction.

b) That the Respondent has no objection to set aside the orders of both the court mentioned below.

6. In view of the compromise and settlement entered between the petitioner and respondent this Hon'ble Court be pleased to set aside the order passed by Hon'ble IInd Addl. District and Sessions Judge, Uttarkannada, Karwar in CrI. Appeal No.156/2018 dated 27.08.2024 and order passed by the Hon'ble Addl. Civil and JMFC Bhatkal in CC No.601/2017 dated 17.11.2018 for the offence under section 138 of Negotiable Instruments Act and acquit the petitioner from said offence in the interest of justice."

6. The offence for which the petitioner has been convicted is compoundable in nature. Having regard to the settlement arrived between the parties, this criminal revision petition is required to be disposed of in terms of the settlement which is reduced into writing under the memorandum of agreement dated 23.09.2025. According the following order:-

7. The Criminal Revision Petition is allowed. The judgment and order of conviction and sentence passed in CC No.601/2017 by the Court of Judicial Magistrate First Class, Bhatkal dated 17.11.2018 and the judgment and order passed in Criminal Appeal No.156/2018 by the Court of II Addl. District and Sessions Judge, Uttara Kannada, Karwar dated 27.08.2024 are set-aside and the

petitioner is acquitted for the offence punishable under Section 138 of the N. I. Act.

8. His bail bonds, if any, stands cancelled.