

(2011) 11 KAR CK 0058
In the Karnataka High Court
Case No : CRL RP No. 2233 of 2005

M/s. Minerva Industries

APPELLANT

Vs

M/s. Lloyds Finance Ltd., No. 805/806, "A" Wing Mittal
Towers, M.G. Road, Bangalore - 560001

RESPONDENT

Date of Decision : 08-11-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 397 (1), 401
Negotiable Instruments Act, 1881 (NI) — Section 138

Citation : (2011) 11 KAR CK 0058

Hon'ble Judges : D.V. Shylendra Kumar, J

Bench : Single Bench

Advocate : M.R. Balakrishna, - Absent, for the Appellant; Keshava Murthy B. for
K.L.K. Law Assts. Advocate, for the Respondent

Final Decision : Dismissed

Judgement

D.V. Shylendra Kumar

1. This criminal revision petition u/s 397(1) r/w Section 401 of Cr.P.C is directed against the common judgment dated 29.11.2005 rendered in Criminal Appeal No. 15073/2001 and all appeals in turn being directed against the common judgment and order dated 12.9.2001 rendered in CC. No. 27935/1999 and revision relating to the said CC No. 27935/1999 and in the common judgment and order the 1st accused partnership firm represented by 2nd accused its Managing Partner being found guilty of the offences punishable u/s 138 of Negotiable Instruments Act, 1881, and the 7 cases being due to dishonour of as many as 7 cheques of different dates amounting Rs. 16,300/- each and the learned Judge of the Trial Court found the accused persons guilty of the offence for not having honoured the cheques issued in favour of the complainant. The learned Appellate Court in terms of its common judgment and order dismissed all 7 appeals in respect of 7 criminal cases, one in respect of a cheque each for Rs. 16,300/- which had been dishonoured etc. The Trial Court having regard to the

parties being common and nature of the cases being common had let in common evidence even before the Court below and all the appeals having been heard together were disposed of by a common judgment and order.

2. Petitioners have preferred 7 criminal revision petitions to this Court and the present revision petition is one such. In one such revision petition in CrI RP No. 2231/2005 this Court had occasion to go into the merits of the revision petition and having found no merit for interference, dismissed the said revision petition as per the order dated 1.4.2010.

3. While Sri B. Keshava Murthy, learned counsel appearing for the sole respondent has placed before the Court a copy of the order dated 1.04.2010 passed in CM RP No. 2231/2005 submits that the facts and circumstances of the present revision petition are identical and in fact there are other like revision petitions in CrI RP No. 2234/2005 which has already been dismissed by this Court on the same ground and therefore, submits that the present revision petition also be dismissed for the very reasons.

4. There is no representation on behalf of petitioners. However, I have perused the impugned orders and I have also looked into the order passed by this Court in CrI RP No. 2231/2005, the facts and circumstances being identical and in fact the trial Court having rendered common judgment and the appellate Court having dismissed all the appeals by a common judgment and this Court having already taken the view on merits of the revision petition and dismissed as many as two other revision petitions, there is no reason to take a different view in this matter and for the very reasons mentioned in the order dated 1.04.2010 passed in CrI RP No. 2231/2005, this revision petition also stands dismissed.