

(2026) 08 KAR CK 2136

In the Karnataka High Court, Bengaluru Bench

Case No : Criminal Revision Petition No.1387 of 2025

Sri. Madan Shekar

APPELLANT

Vs

Sri. Dharmesh

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

Cr.P.C — Section 397, 401

Citation : (2026) 08 KAR CK 2136

Hon'ble Judges : H.P. Sandesh, J

Bench : Single Bench

Advocate : Sri. Chandrababha T.S., Smt. Anusha A.

Final Decision : Dismissed

Judgement

Heard learned counsel for the petitioner and learned counsel for the respondent. This matter is listed for admission.

2. The factual matrix of case of the complainant before the Trial Court is that complainant is a retain fish merchant and accused is a wholesale fish merchant and both of them are known to each other. The accused used to borrow the amount from the complainant for his financial needs and as a security, the accused has issued the Cheque to the complainant and the same was misused. On the contrary, in his evidence, he deposed before the Court that complainant has taken blank signed Cheque and blank stamp paper from accused to make the accused a member of Ganga Schedule Caste and Schedule Tribes Society and the same is misused. The Trial Court taken note of the defence which was taken by the accused and also his evidence, which is contrary to each other and the same was not substantiated. Further, despite the receipt of notice Ex.P3, accused failed to cause reply stating that Cheque and stamp paper is taken for the purpose stated in his defence.

3. Having taken note of contra versions in the defence as well as in the evidence, the Trial Court comes to the conclusion that no probable defence is raised and

the same is not rebutted by placing any material and there is no rebuttal evidence before the Trial Court by examining himself before the Court or by producing the documents. When such being the case, I do not find any error on the part of the Trial Court.

4. The First Appellate Court also having reassessed the material, particularly taken note of in paragraph No.14 that copy of the legal notice which is marked as Ex.P3 was sent through RPAD, the same was served and no reply was given. Ex.P5 is the agreement dated 10.02.2021 for having paid Rs.3,00,000 by the complainant to the accused for fisheries contract of the Government and also taken note of evidence of D.W.1, wherein he categorically admits that he knew the complainant from 5-6 years, as he was selling the fish to the complainant and taking lakes/tanks on tender to grow fish. The accused has taken tender of Hunsehalli lake from Fisheries Department to cultivate fish and likewise, he has taken tender of Rameshwar lake through Fisherman Co-operative Society. The complainant being the president of SCST Co-operative Society, assured the accused that he will give the tender of Hiremagalur lake which belongs to SCST Co-operative Society and he will make him member to the said Society.

5. The material which was taken note of by the Trial Court was considered by the First Appellate Court while discussing the same in paragraph No.15 and so also in paragraph No.16, taken note of the evidence which was adduced by the accused, who has been examined as D.W.1 and considering the material on record comes to the conclusion that Trial Court has not committed any error in considering the evidence available on record and also taken note that contra defence which was taken is not corollary to each other. Hence, confirmed the same.

6. Having considered the reasons of the Trial Court as well as the First Appellate Court and the admission on the part of D.W.1 and also the suggestion made to P.W.1 during the course of cross-examination, it is seen that contra statements are made by the accused. Hence, not accepted the defence and when there is no probable defence before the Court with regard to preponderance of probabilities of the accused, question of entertaining the revision petition does not arise. Therefore, I do not find any ground to entertain the revision petition.

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