



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JULY, 2026

BEFORE

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

CRIMINAL REVISION PETITION NO.435 OF 2026

BETWEEN:

SRI VIGNESH RANGANATHAN
S/O RANGANATH
AGED ABOUT 33 YEARS
PROPRIETOR OF M/S. POOJA
DIAMONDS, R/O NO.658/57
11TH MAIN, 33RD CROSS
4TH BLOCK, JAYANAGAR
BENGALURU-560011

...PETITIONER

(BY SRI. DIVYATEJ H N ,ADVOCATE)

AND:

SRI MOHANTHA BERA
S/O JOY DEV BERA
AGED ABOUT 37 YEARS
PROPRIETOR OF PUNAM JEWELLARY
NO.23, 3RD FLOOR, 12TH CROSS
CUBBONPET
BENGALURU-560002

...RESPONDENT

(BY SRI. M R SWAROOP, ADVOCATE)

THIS CRL.RP IS FILED U/S.397 R/W 401 CR.P.C PRAYING
TO SET ASIDE THE IMPUGNED DISMISSAL ORDER PASSED IN
CRL. APPEAL NO.60/2025 ON THE FILE OF LII ADDL. CITY





CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-53) VIDE ANNEXURE-A AND ETC.

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 revision petition is filed against the judgment of conviction and sentence dated 20.12.2024 passed in C.C.No.36431/2021 by the Trial Court and also against the judgment of confirmation dated 12.12.2025 passed in CrI.A.No.60/2025.

2. This matter is listed for admission. Heard the learned counsel appearing for the respective parties.

3. The factual matrix of the case of the complainant before the Trial Court is that the complainant and accused are well known to each other for business purpose. The complainant is running a business in the name of Poonam Jewellery manufacturing and antic gold ornaments by taking orders from jewelry shop and supplying to their required orders. The accused is the customer of the complainant who



had placed order and purchased golden ornaments on 15.10.2019 weighing 1064.16 grams worth about Rs.40,00,000/- and another order dated 29.06.2021 for gold ornaments weighing 552.14 grams worth of Rs.25,08,000/-. Out of which, accused had paid Rs.20,00,000/- and remaining balance was due a sum of Rs.45,08,000/-. In this regard, accused agreed to pay the said amount and entered into an agreement on 14.07.2021 with the complainant and issued two post dated cheques to the complainant for a sum of Rs.20,00,000/- dated 10.10.2021 and 14.10.2021. When the said cheques were presented, the same returned with an endorsement 'account closed'. Hence, the complainant issued a legal notice to the accused demanding to pay the cheques amount and the same was served on the accused. But he failed to reply to the said notice and also not made the payment. Hence, the complainant filed the complaint and cognizance was taken and accused also secured before the Court and he did not plead guilty.

4. In order to prove the case of the complainant, complainant himself examined as PW1 and got marked the



documents at Ex.P1 to P11. Even though the accused examined himself as DW1 not produced any documents to substantiate his defence. The Trial Court based on the documents of Ex.P8 and P10 comes to the conclusion that there was a transaction between the complainant and accused wherein accused had purchased the gold worth of Rs.40,00,000/- and thereafter for Rs.25,08,000/- and accused has made the part payment and for remaining part payment, accused entered into an agreement in terms of Ex.P10 with the complainant. The Trial Court having considered both oral and documentary evidence placed on record held that even though the accused issued the cheques to discharge his legal liability, the same was dishonoured and accused further failed to repay the cheques amount after issuance of notice and accused failed to prove his defence placing cogent evidence. But the complainant has brought in cogent oral and documentary evidence and proved that there exists legal liability of the accused towards the complainant for a sum of Rs.45,08,000/-. Hence, convicted and sentence the accused for the offence punishable under Section 138 of N.I. Act.



5. Being aggrieved by the judgment of the Trial Court, an appeal was preferred before the Appellate Court. The Appellate Court also having reassessed both oral and documentary evidence placed on record comes to the conclusion that accused has taken a defence that he has made all payments to the complainant towards the gold purchased by him and there is no due. But Ex.P8 and P9 reveals that the accused is due towards the complainant for a sum of Rs.45,08,000/- as already Rs.20,00,000/- payment is made by him. Accused disputed Ex.P8 and P9 but failed to prove that those documents are created one since he admitted his signature on it. In order to prove that accused has no dues towards the complainant, he has neither produced his bank statements or receipts issued by the complainant for having received the amount through cash. The accused has not made any efforts to substantiate his defence. Ex.P8 to P10 clearly proves the case of the complainant. Though accused denied the case of the complainant, not denied the issuance of cheques to the complainant and though he has denied the liability, but he has not produced any document to show that he has paid the entire amount. Hence, the Appellate Court also



comes to the conclusion that accused has rebutted the case of the complainant and confirmed the judgment of the Trial Court.

6. Being aggrieved by the concurrent finding of both the Courts, the present revision petition is filed before this Court.

7. The learned counsel for the petitioner would vehemently contend that both the Courts have not taken note of material on record in a proper perspective. The judgment of both the Courts suffers from legality and correctness. Hence, interference of this Court is required.

8. Having heard the learned counsel for the petitioner and also on perusal of the material on record, it discloses that there was a transaction between the complainant and the accused. Though the counsel for the petitioner submits that the agreement at Ex.P10 was taken forcibly, but not cross-examined PW1 in this regard. PW1 also clarified in his cross-examination that in respect of the first transaction, accused made the payment of Rs.20,00,000/- by way of cheque and in respect of the balance amount of Rs.20,00,000/- and



subsequent purchase in terms of Ex.P9, subject matter of two cheques are issued and in the agreement also mentioned the liability. Apart from that having perused the contents of paragraph 3 of the complaint, it is very clear with regard to the arrears and also the subsequent value of the purchase of the gold ornaments and issuance of two cheques towards liability by the accused. In the case on hand, accused has not disputed the issuance of two cheques. But his only contention that he had paid the entire amount. Taking advantage of the stray sentence in the cross examination of PW1 that when earlier gold was purchased, amount was paid and subsequently, the amount was not paid, the counsel made an attempt to make submission that the agreement at Ex.P10 is taken forcibly. But there is no cross-examination of PW1 in this regard. When such purchase is not disputed and issuance of cheque is also not disputed and disputed the document of Ex.P10-agreement, but nothing is elicited, the same is considered by the Trial Court. The Trial Court also considered the fact that after issuance of the Cheque, the revision petitioner got closed his account and endorsement is also 'account closed'. Hence, the Court has to take note of the conduct of accused. With regard to the



contention of accused that document of Ex.P10 is a created one, there is no any impediment looking into the contents of Ex.P10 and no complaint was given stating that document Ex.P10 is a created one and, nothing is placed on record in this regard. The Appellate Court also having reassessed the material on record particularly in paragraphs 17 to 19 considered the case of the revision petitioner in detail and also taken note of 313 statement wherein accused did not deny the incriminating evidence and it is stated that he made the entire payment in respect of the first transaction and only due for subsequent transaction and the same is not substantiated. When reasoned order has been passed by the Trial Court and Appellate Court, the question of entertaining the revision petition does not arise. The reasoning of the Trial Court and Appellate Court do not suffers from its legality and correctness. Hence, no ground is made out to entertain this revision petition. Accordingly, the revision petition is dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

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