



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 7<sup>TH</sup> DAY OF JULY, 2026**

**BEFORE**

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

**CRIMINAL REVISION PETITION NO.1146 OF 2022**

**BETWEEN:**

1. STATE OF KARNATAKA  
BY TARIKERE POLICE, TARIKERE  
REP. BY STATE PUBLIC PROSECUTOR  
HIGH COURT BUILDING  
BENGALURU-560001.

...PETITIONER

(BY SRI. M. DIVAKAR MADDUR, HCGP)

**AND:**

1. D.H. CHANDRASHEKAR  
S/O D.H. HARALAPPA  
AGED ABOUT 61 YEARS
2. HEMAVATHI  
S/O D.H. CHANDRASHEKAR  
AGED ABOUT 55 YEARS
3. D.C. PRADEEPA  
S/O D.H. CHANDRASHEKAR  
AGED ABOUT 33 YEARS  
AGRICULTURIST
4. D.C. RAGHAVENDRA  
S/O D.H. CHADRASHEKAR  
AGED ABOUT 30 YEARS  
AGRICULTURIST

ALL ARE  
R/O NAGAPPA COLONY





TARIKERE TOWN  
CHIKKAMAGALURU DISTRICT-577228.

...RESPONDENTS

(BY SRI. JAGAN MOHAN M.T., ADVOCATE)

THIS CRL.RP IS FILED UNDER SECTION 397 R/W 401 OF CR.P.C PRAYING TO SET ASIDE THE JUDGMENT AND ORDER DATED 10.02.2020 PASSED IN CRL.A.NO.57/2018 ON THE FILE OF THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, CHIKKAMAGALURU AND JUDGMENT AND ORDER OF ACQUITTAL DATED 12.12.2017 PASSED IN C.C.NO.99/2012 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, TARIKERE BY ALLOWING THIS CRL.RP AND TO CONVICT AND SENTENCE THE ACCUSED/RESPONDENT FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 417, 420, 504 AND 506 R/W SECTION 34 OF IPC.

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

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

**ORAL ORDER**

Heard learned High Court Government Pleader for the petitioner and learned counsel for the respondents.

2. This revision petition is filed against the order of acquittal for the offences punishable under Sections 417, 420, 504 and 506 read with Section 34 of IPC and also against the order of confirmation by the First Appellate Court.

3. The factual matrix of case of complainant before the Trial Court is that on 29.12.2010 at 11.00 a.m. in the office of



C.W.6, accused Nos.1 to 4 executed a registered sale deed for Rs.1,95,000/- in respect of Sy.No.54/10 measuring 6.8 guntas situated at Tarikere in favour of C.W.1 and the said sale deed was registered on 03.01.2011 in the Sub-registrar Office, Tarikere. The accused in the sale deed have stated that they have not taken any loan on the said properties in any bank. But, the accused on 31.02.2008 have mortgaged the gift deed in respect of the said property in Chikkamagaluru KSFC Finance ('KSFC Finance' for short) and thereby, borrowed loan of Rs.6,00,000/-. The accused did not intimate the said fact to C.W.1. C.W.1 came to know about the said fact when he received notice from KSFC Finance, Chikkamagaluru. Then, C.W.1 and C.W.5 had gone to ask the accused about the said fact. For that, accused abused C.W.1 and C.W.5 in filthy language and gave threat to their life. The accused by giving false information executed the sale deed in favour of C.W.1 in order to cheat C.W.1, thereby the accused is alleged to have committed the offence under Sections 417, 420, 504 and 506 read with Section 34 of IPC.



4. Based on the private complaint, case was referred to PSI, Tarikere. After the investigation, charge-sheet was filed. Having filed the charge-sheet, cognizance was taken and summons was issued to the accused persons. The accused appeared and did not plead guilty.

5. The prosecution mainly relied upon the evidence of P.W.1 to P.W.10 and got marked the documents Exs.P1 to P19. The accused was subjected to 313 statement and accused No.1 has examined himself as D.W.1 and got marked the documents Exs.D1 to D4.

6. The Trial Court having considered both oral and documentary evidence, answered all the points for consideration in 'negative' coming to the conclusion that intention of cheating was not found and so also in respect of abusing the complainant in filthy language, nothing was found and none of the witnesses supports the case of the prosecution to prove the factum of abuse as well as causing life threat. The Trial Court, considered the evidence, particularly the evidence of eye witnesses to the incident and P.W.16 has turned hostile. P.W.7 is the witness to Ex.P16 and also he does not know the



contents of Ex.P16. The Trial Court particularly in paragraph No.23 taken note of evidence on record. The accused have also not disputed execution of the sale deed in respect of Sy.No.54/10 in favour of C.W.1 and their only contention is that they have executed the document of agreement of sale as a security to the loan amount. As per the case of the prosecution, P.W.2, P.W.5 and P.W.6 are the eyewitnesses to the incident. But, the evidence of P.W.2 discloses that himself, C.W.1 and P.W.5 had gone to the accused to ask the amount and the accused told that they will return the amount. His evidence discloses that accused did not abuse and give threat to C.W.1 and P.W.5. The Trial Court also taken note of cases filed against the accused, in total 19 cases at Shivamogga and 6 cases in Tarikere and also comes to the conclusion that evidence of P.W.5 discloses that accused have taken loan of Rs.1,95,000 from P.W.1. This clearly discloses that there was money transaction between the accused and P.W.1 and acquitted the accused.

7. The order of the Trial Court was challenged before the First Appellate Court in Criminal Appeal No.57/2018. The



First Appellate Court also having reassessed both oral and documentary evidence, particularly in paragraph No.29 of the judgment of First Appellate Court has taken note of evidence of P.W.1 and P.W.3 with regard to Section 504 and so also in respect of the offence under Sections 415 and 420 of IPC. In paragraph No.28, made an observation that P.W.1 has purchased 6.8 guntas of land from accused for Rs.1,95,000/- and remaining area of the property was mortgaged for an amount of Rs.6,00,000/- and defence of the accused is also that Ex.P5-sale deed is executed only for the purpose of security for the loan taken by them and confirmed the order of the Trial Court.

8. The main contention of learned High Court Government Pleader for the petitioner before this Court is that both the Trial Court and the First Appellate Court committed an error and the material clearly discloses that accused played fraud and cheated the complainant by hiding the fact that subject matter of property was mortgaged with KSFC Finance and availed loan of Rs.6,00,000/- and in the sale deed, they have mentioned that they have not taken any loan on the said



property in any bank. When the material clearly discloses that they have taken loan and property was mortgaged with KSFC Finance and the same was got cleared by the respondents/accused in April 2013, the First Appellate Court also committed an error in confirming the order of the Trial Court and the very approach is erroneous.

9. Per contra, learned counsel appearing for the respondents would submit that Trial Court and First Appellate Court having considered both oral and documentary evidence comes to the conclusion that there are no ingredients to invoke the offences under Sections 417 and 420 of IPC, so also offences under Sections 504 and 506 read with Section 34 of IPC and none of the witnesses speak about accused abusing the complainant in filthy language or causing life threat. Hence it does not require any interference.

10. Having heard the learned High Court Government Pleader appearing for the petitioner and the learned counsel appearing for the respondents and also considering the factual aspects of the case, the very charges levelled against the accused is that accused had executed sale deed in favour of



C.W.1 in respect of Sy.No.54/10 measuring 6.8 guntas for Rs.1,95,000. But, the accused on 31.12.2008 mortgaged the gift deed and thereby, taken loan of Rs.6,00,000/- from KSFC Finance and it attracts the offences under Sections 417 and 420 of IPC and so also the offences under Sections 504 and 506 read with Section 34 of IPC. Having perused the material available on record, in order to invoke Sections 417 and 420 of IPC, there must be an intention to cheat at the time of very execution of document. The Trial Court also taken note of sale consideration as Rs.1,95,000/- in terms of Ex.P5, but the accused have taken the loan of Rs.6,00,000/- from KSFC Finance by mortgaging the gift deed, that too based on the mortgaged deed obtained the loan. As per the case of the prosecution, P.W.2, P.W.5 and P.W.6 are the eyewitnesses to the incident. But, the evidence of P.W.2 discloses that himself, C.W.1 and P.W.5 had gone to the accused to ask the amount and the accused replied that they will return the amount.

11. The Trial Court also while acquitting the accused considered the evidence of P.W.1 and P.W.3 and also filing of cases against accused i.e., 19 cases in Shivamogga and 6 cases



in Tarikere. The same clearly discloses that accused, P.W.1 and P.W.3 were doing business and they were having financial transactions. Hence, there was dispute among them. Taking note of many cases filed by P.W.1 and P.W.3 at Shivamogga and Tarikere, both the Courts come to the conclusion that evidence of prosecution not inspires the confidence of the Court and their evidence is believable and trustworthy. When such finding is given and when there was no ingredients of offences under Sections 417 and 420 of IPC and so also in respect of offences under Sections 504 and 506 read with Section 34 of IPC, none speak about the abuse as well as causing life threat, under the circumstances, I do not find any ground to entertain the revision petition and concurrent finding is based on the material available on record. Therefore no ground is made out to admit the revision.

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

**Sd/-**  
**(H.P.SANDESH)**  
**JUDGE**

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List No.: 1 Sl No.: 18