

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

DATED THIS THE 30<sup>th</sup> DAY OF SEPTEMBER, 2005

BEFORE:

THE HON'BLE MR. JUSTICE N.S. VEERABHADRAIAH

**CRIMINAL REVISION PETITION No.1399 OF 2004**

BETWEEN:

J. Anantharam,  
S/o. Janardhan,  
Aged 40 years,  
R/at No.135, Building No.E1,  
KHB Colony, Kengeri Satellite Town,  
Bangalore-60. ... PETITIONER/S

[By M/s. S.Vasantha Madhav & Krishnaiah, Advs.]

AND:


G. Hanumanthaiah,  
S/o. late Chikkahanumanthaiah,  
Aged 62 years,  
R/a No.592/11, 4<sup>th</sup> main,  
4<sup>th</sup> cross, BSK I Stage,  
I Block, Hanumanthanagar,  
Bangalore-50. ... RESPONDENT/S

[By M/s. Gnana Murthy & Associates.]

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THIS CRL.R.P. IS FILED U/SECTION 401 CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING TO SET ASIDE THE JUDGMENT PASSED BY THE XII A.C.M.M., B'LORE, IN C.C. No.36446/01 DT. 24.3.03 AND SET ASIDE THE ORDER PASSED BY THE XX ADDL. C.C. JUDGE, B'LORE IN CRL.A. No.249/03 DT. 19.7.04.

THIS CRL.R.P. COMING ON FOR ADMISSION, THIS DAY THE COURT MADE THE FOLLOWING:

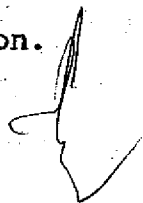


**ORDER**

Heard.

2. This revision is by the accused assailing the conviction and sentence passed by the learned XII Addl. C.M.M., Bangalore, which came to be confirmed in Criminal Appeal No.249/2003 by the learned XX Addl. City Civil & Sessions Judge, Bangalore, dated 19.07.2004.

3. It is seen that 4 cheques issued by the accused amounting to Rs.24,920-00 came to be dishonoured with an endorsement "insufficient funds". Proceedings were initiated under Section 138 of the Negotiable Instruments Act by the complainant, wherein the learned XII Addl. C.M.M. considering the evidence on record, convicted the accused for the offence under Section 138 of N.I. Act, sentencing him to pay a fine of Rs.45,000-00. Out of the said amount, to pay a sum of Rs.30,000-00 to the complainant. The said Order was confirmed in Criminal Appeal No.249/2003. It is this Order, which is questioned in the present revision.



4. On going through the records, I see no infirmity as such to interfere with the finding of conviction recorded by both the courts for the offence under Section 138 of N.I. Act. It is submitted that the accused has deposited in all an amount of Rs.34,500-00. Therefore, prayed to take a lenient view and to allow the revision.

5. Considering the submissions and also the facts of this case, the sentence passed by the learned XII Addl. C.M.M., imposing a fine of Rs.45,000-00 is reduced to Rs.34,500-00. Out of the said amount of Rs.34,500-00, a sum of Rs.30,000-00 shall be paid to the complainant and the balance amount of Rs.4,500-00 is to the State.

With the said modification of the Orders of both the courts, this revision petition is disposed of.

The complainant is permitted to withdraw the amount of Rs.30,000-00.

Sd/-  
Judge

Ksm\*