

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22<sup>ND</sup> DAY OF JUNE 2015

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP D. WAINGANKAR

CRL. REV. PETITION NO. 1041/2014

BETWEEN:

A.P. GOVINDAPPA  
S/O LATE PILLAPPA  
MAJOR IN AGE  
R/A ALAMBADI VILLAGE  
MALUR TALUK  
KOLAR DISTRICT

... PETITIONER

(BY SRI VARADARAJAN M.S., ADVOCATE)

AND

D. ESHWAR REDDY  
S/O SUBBA REDDY  
MAJOR IN AGE  
R/A NO.36, SPOORTHY NILAYA  
13TH A CROSS  
MICO NS PALYA  
BTM 2ND STAGE  
WARD NO.65  
BEHIND SUPER MARKET  
BANGALORE-560076  
ALSO AT D. ESHWAR REDDY  
S/O SUBBA REDDY

MAJOR IN AGE  
R/A NO.149  
18TH MAIN, 7TH CROSS  
BTM LAYOUT  
2ND PHASE  
BANGALORE-560076

... RESPONDENT

THIS CRL.RP IS FILED U/S.397 R/W 401 CR.P.C  
PRAYING TO REVISE THE JUDGMENT AND ORDER  
DATED 31.10.2014 PASSED IN C.C.NO.4395/2013 ON  
THE FILE OF THE XX-ACMM COURT, BANGALORE  
CITY IN SO FAR AS THE SENTENCE IS CONCERNED  
AND IMPOSE THE MAXIMUM PUNISHMENT  
CONTEMPLATED U/S 138 OF THE N.I. ACT.

THIS CRL.RP COMING ON FOR ORDERS THIS  
DAY, THE COURT PASSED THE FOLLOWING:-

ORDER

Heard the learned counsel for the petitioner on  
maintainability.

2. This revision petition is preferred against  
the order of sentence imposed by the learned  
Magistrate for the offence under Section 138 of  
Negotiable Instrument Act. It is submitted as against

the conviction for the offence under Section 138 of Negotiable Instrument Act, the accused preferred a criminal appeal before the Sessions Judge in Criminal Appeal No.1467/2014, which is pending. In that case it is proper for the petitioner to withdraw this revision and present before Session Judge, so that, the criminal appeal and the revision petition can be heard together and dispose of.

3. Hence, the learned counsel is permitted to withdraw the revision petition, so as to present the same before the Sessions Judge. Accordingly, revision is disposed off.

Sd/-  
JUDGE

Sbs\*