IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 21ST DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL REVISION PETITION NO. 200178 OF 2024

(397(Cr.PC)/438(BNSS))

BETWEEN:

J. PRABHAKARA S/O VEERABHADRA RAO,
AGE: 51 YEARS, OCC: BUSINESS,
MANAGING SUDHA AGRO INDUSTRIES,
MANVI, TQ. MANVI, DIST. RAICHUR-584123.

...PETITIONER

(BY SRI SANJAY A. PATIL, ADVOCATE)

AND:

MRUTHYUNJAYA SWAMY
S/O CHANNAYYASWAMY HIREMATH,
AGE: 44 YEARS, OCC: AGRICULTURE,
R/O. GOOGEBAL, POST. BASSAPUR,
TQ. MANVI, DIST. RAICHUR-584123..

...RESPONDENT

Digitally signed by SHILPA R TENIHALLI
Location: HIGH COURT OF KARNATAKA

THIS CRL.RP IS FILED UNDER SECTION 438 R/W 442 OF BNSS-2023 PRAYING TO A) ADMIT AND CALL FOR RECORDS OF TRIAL COURT AND FIRST APPELLATE COURT. B) SET ASIDE THE IMPUGNED JUDGMENT DATED 10.07.2024 PASSED BY THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE RAICHUR IN CRIMINAL APPEAL NO.28/2021 THEREBY REVERSING THE JUDGMENT OF CONVICTION DATED 29.04.2021 IN C.C.NO.536/2016 PASSED BY THE CIVIL JUDGE AND JMFC MANVI, CONVICTING THE ACCUSED/ RESPONDENT FOR THE

OFFENCES PUNISHABLE UNDER SECTION 138 OF N.I. ACT. C)PASS ANY OTHER APPROPRIATE ORDER OR DIRECTION AS DEEMED FIT BY THIS HON'BLE COURT UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE.

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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY)

1. Learned counsel for the petitioner submits that inadvertently he has filed this Criminal Revision Petition instead of filing the Criminal Appeal assailing the order of acquittal passed by Appellate Court wherein the respondent has been acquitted for offence punishable under Section 138 of the Negotiable Instrument Act. He accordingly prays to permit the petitioner to convert this Criminal Revision Petition into a Criminal Appeal under Section 378(4) of Cr.P.C.

2. His submission is placed on record.

3. Learned counsel for the petitioner is permitted to convert this Criminal Revision Petition into a Criminal Appeal under Section 378(4) of Cr.P.C.

4. For statistical purpose, this Criminal Revision Petition stands disposed of.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

DHA
List No.: 1 Sl No.: 19
CT:PK