

(2024) 11 KAR CK 0061

Karnataka High Court At Bengaluru

Case No: Criminal Appeal No. 1281 Of 2019

Vijaya

APPELLANT

Vs

Anantha Gummani

RESPONDENT

**Date of Decision:** Nov. 26, 2024

**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 374(2)
- Negotiable Instrument Act, 1881 & mash; Section 138

**Hon'ble Judges:** Shivashankar Amarannavar, J

**Bench:** Single Bench

**Advocate:** U J Hari Parasad

**Final Decision:** Dismissed

### Judgement

Shivashankar Amarannavar, J

1. This appeal is filed under Section 374(2) of Cr.P.C praying to set aside the order passed in CrI.Rev.P.No.365/2010 by the LV Additional City Civil

and Sessions Judge, Bengaluru.

2. The appellant "accused has been convicted for offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter

referred to as "N.I.Act" for brevity) in C.C.No.12579/2009 by the XVI Additional Chief Metropolitan Magistrate, Bengaluru by judgment dated

27.09.2010 and sentenced to pay fine of Rs.25,000/-.

3. Respondent "complainant has challenged the sentence passed in C.C.No.12579/2009 in CrI.Rev.P.No.365/2020 before the LV Additional City

Civil and Sessions Judge, Bengaluru. The said revision petition came to be allowed and the sentence has been enhanced to fine of Rs.1,35,000/- by

order dated 05.03.2019 by the LV Additional City Civil and Sessions Judge, Bengaluru.

4. The said order of enhancement of the fine passed in Criminal Rev.P.No.365/2010 dated 05.03.2019 by the LV Additional City Civil and Sessions

Judge, Bengaluru has been challenged in this appeal.

5. The appellant "accused has not challenged the judgment of conviction passed in C.C.No.12579/2009 dated 27.09.2010. The order of conviction

has not been passed by the Sessions Court but it is passed by the XVI Additional Chief Metropolitan Magistrate, Bengaluru.

6. The present appeal filed under Section 374(2) of Cr.P.C challenging the order enhancing sentence passed in CrI.Rev.P.No.365/2010 is not

maintainable.

7. Hence, the appeal is dismissed as not maintainable.

8. In view of the disposal of the appeal, IA No.2/2019 does not survive for consideration.

Hence, IA No.2/2019 is disposed of.