

Balamma Yallappa Shindhe Vs Akshaya Co-Operative Credit Society Ltd.

Court: Karnataka High Court, Dharwad Bench

Date of Decision: Jan. 30, 2025

Hon'ble Judges: Ravi V. Hosmani, J

Bench: Single Bench

Advocate: Vijay Malali, Dinesh M.Kulkarni

Final Decision: Disposed Of

Judgement

Ravi V.Hosmani, J

1. Challenging judgment of conviction and order of sentence dated 17.02.2023 passed by I Additional District and Sessions Judge, Uttara Kannada

District, Karwar sitting at Sirsi in CrI.A.no.5084/2022 confirming judgment of conviction and order of sentence dated 24.06.2022 passed by Senior

Civil Judge and JMFC Court, Haliyal in C.C.no.57/2019, this revision petition is filed.

2. Learned counsel for petitioner and respondent jointly submitted that matter is settled between parties, wherein, petitioner has cleared entire dues of

respondent - Society and loan account is closed. Since petitioner is in custody, learned counsel for petitioner sought for direction to release petitioner.

3. Sri Dinesh M. Kulkarni, learned counsel for respondent would concur and submit that claim of respondent - Society insofar as cheque bearing

no.397521 dated 11.04.2019 is settled as entire dues of respondent "Society are cleared by petitioner. Learned counsel would fairly submit that,

taking note of above, revision petition may be disposed of.

4. In view of fact that petitioner has cleared entire due of respondent - Society insofar as its claim under above mentioned cheque, revision petition

requires to be allowed. Hence, following:

ORDER

i) Criminal Revision Petition is allowed.

ii) Impugned judgment of conviction and order of sentence dated 24.06.*2022 passed by Senior Civil Judge and JMFC, Haliyal in C.C.No.57/2019,

which was confirmed by I Additional District and Sessions Judge, Uttara Kannada District, Karwar sitting at Sirsi in CrI.A.5084/2022 on 17.02.2023

are set aside.

iii) Revision petitioner is ordered to be released from custody, forthwith.

iv) Intimate to concerned jail authority immediately.

In view of disposal of revision petition, I.A.No.2/2025 is dismissed as being unnecessary.