

Silicon Technologies vs D Rangappa

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Court : Karnataka

Decided On : Aug-04-2025

Judge : Anant Ramanath Hegde

Appeal No. : CRL.RP/283/2024

Appellant : Silicon Technologies

Respondent : D Rangappa

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF AUGUST, 2025 BEFORE THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE CRIMINAL REVISION PETITION NO. 283 OF 2024 BETWEEN: SILICON TECHNOLOGIES, REPRESENTED BY ITS PROPRIETOR, D.V ABHINANDAN, AGED ABOUT 39 YEARS, S/O D N VENKATARAMAYA, R/AT NO.716, OPP.SHAKTI GANESHA TEMPLE, 1ST B MAIN, 7TH BLOCK, BANASHANAKARI 3RD STAGE, GIRINAGAR BENGALURU - 560085. PETITIONER (BY SRI PRAVEEN C, ADVOCATE) AND: D RANGAPPA, AGED ABOUT 38 YEARS,

Digitally S/O DABBHAGULAPPA, signed by C R/AT NO.57, RAMASANDRA VILLAGE, HONNUR SABSULIKERE POST, KENGERI HOBLI, BENGALURU SOUTH TALUK, Location: BENGALURU - 560060. HIGH COURT OF RESPONDENT KARNATAKA (BY SRI CHANDRASHEKAR REDDY K P, ADVOCATE)

THIS CRL.RP IS FILED U/S 397 R/W 401 CR.PC PRAYING TO SET ASIDE THE JUDGMENT AND ORDER DATED 22.01.2024 PASSED IN CRL.A.NO.56/2023 BY THE LEARNED IX ADDL.DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT BENGALURU AND 01.07.2023 PASSED BY THE LEARNED C/C II A.C.J.M BENGALURU RURAL DISTRICT AT BENGALURU IN C.C.NO.20109/2021 FOR THE OFFENCE P/U/S 138 OF THE N.I ACT AND TO ACQUIT THE PETITIONER. -2-

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

This petition is arising from a concurrent finding under Section 138 of Negotiable Instruments Act. The Trial Court on interim application filed by the complainant has directed the accused to pay 20% of the cheque amount as an interim relief. This order was not complied.

2. The said order was called in question by the accused in a proceeding before this Court under Section 482

of Criminal Procedure Code.

This Court has stayed the further

communicated to the Trial Court. The Trial Court has taken note of the stay order. However, proceeded to hear the case on merits and convicted the accused for an offence under Section 138 of Negotiable Instruments Act and sentenced him to

pay a fine of 50,50,000/- . -3-

3. The accused filed an appeal before the First Appellate Court. First Appellate Court was also dismissed the appeal.

4. Learned counsel appearing for the petitioner

would contend that since this Court granted a stay order

staying the further proceedings before the Trial Court, the Trial Court had no jurisdiction to hear the case on merits and committed a grave error in hearing and deciding the case.

5. Learned counsel for the respondent/complainant

does not dispute the fact that there was a stay order granted by his Court which prohibited the Trial Court from proceeding with a trial and hearing. Further, taking note of the fact that the accused was not cooperating in the early disposal of the case and had not complied the interim direction to pay the interim compensation amount, has rightly proceeded to hear the case despite the stay order granted by this Court.

6. This Court has considered the contentions raised at the bar. -4-

7. When the proceeding before the Trial Court is

stayed pursuant to interim order granted by this Court in a proceeding where the accused has challenged the interim direction to pay the money, the Trial Court could not have proceeded to hear the case on merits, the Trial Court should have waited for further orders from the High Court. The Trial Court had no jurisdiction to proceed with the matter as the proceeding was stayed.

8. Under these circumstances without getting into

the merits of the matter, this Court is of the view that the Trial Court committed a serious error in deciding the case on merits. Unfortunately, even the Appellate Court did not take note of the fact that the Trial Court could not have proceeded

with the matter.

9. Under these circumstances, without entering into the merits of the case, the impugned orders are set-aside.

10. The matter is remitted to the Trial Court for fresh consideration. -5-

11. The Trial Court shall afford an opportunity to the petitioner to contest the matter by cross-examining the complainant and by leading his own evidence, if he wishes to.

12. The parties shall appear before the Trial Court on 02.09.2025 without any further notice from the Trial Court.

13. It is made clear that this Court has not expressed

anything on the merits of the claim of either of the parties. If the amount deposited is still with the Court, same shall be kept in a nationalised bank for a period of one year with auto renewal mandate.

14. The Registry is directed to send back the trial Court records. Sd/- (ANANT RAMANATH HEGDE) JUDGE CHS List No.: 2 SI No.: 41

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