



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 12TH DAY OF MAY, 2026

BEFORE

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL PETITION NO. 200665 OF 2026
(482(Cr.PC)/528(BNSS))

BETWEEN:

SANTOSH S/O RAJARAM WAGMORE,
AGE : 40 YEARS, OCC: BUSINESS,
R/O: HAIR SALOON (HAIR CUTTING SHOP)
BESIDE ZILLA GOODS TRANSPORT,
S.S.ROAD KIRANA BAZAR CROSS,
VIJAYAPURA – 586 101.

...PETITIONER

(BY SRI SAIYAD D.MULLA, ADVOCATE)

AND:

SHIVAMURTHY
S/O MURGAYYA KOPPAD,
AGE : 52 YEARS, OCC: BUSINESS,
R/O: BEHIND ADARSH DAIRY,
GODBOLA MALA, VIJAYAPURA – 586 103.

...RESPONDENT

THIS CRL.P IS FILED U/S 528 OF BNSS (NEW), U/S.482 OF CR.P.C.(OLD), PRAYING TO, A) QUASH THE IMPUGNED ORDER DATED 26-02-2026 PASSED IN CRIMINAL APPEAL NO.78/2025 BY THE LEARNED III ADDITIONAL DISTRICT AND SESSIONS JUDGE, VIJAYAPURA, WHEREBY ITS EARLIER ORDER DATED 31-12-2025 GRANTING SUSPENSION OF SENTENCE IN FAVOUR OF THE PETITIONER IN CC NO.996/2023 FOR THE OFFENCE PUNISHABLE UNDER SECTION 138 OF NEGOTIABLE INSTRUMENTS ACT, 1881, ON THE FILE OF THE LEARNED I ADDITIONAL CIVIL JUDGE AND JMFC-I COURT, VIJAYAPURA CAME TO RECALLED; B) RESTORE THE ORDER OF SUSPENSION OF SENTENCE WHICH IS VACATED BY THE ORDER DATED 26.02.2026 PASSED BY THE LEARNED III ADDITIONAL





DISTRICT AND SESSIONS JUDGE, VIJAYAPURA IN CRIMINAL APPEAL NO.78/2025.

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

CORAM: HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL ORDER

The petitioner has filed this petition under Section 482 of Cr.P.C./528 of BNSS, 2023 for extension of time to deposit 20% of the fine amount before the Appellate Court *viz.*, III Additional District and Sessions Court, Vijayapura [for short, 'the Appellate Court'] in Criminal Appeal No.78/2025 arising out of C.C.No.996/2023 on the file of I-Additional Civil Judge and JMFC-I, Vijayapura [for short, 'the Trial Court'].

2. The petitioner was convicted by the Trial Court in C.C.No.996/2023 for the offence punishable under Section 138 of Negotiable Instruments Act, 1881 and sentenced to pay fine of Rs.3,00,000/-. Being aggrieved by the judgment of conviction and order of sentence passed by the Trial Court, the petitioner preferred an appeal before



the Appellate Court in Criminal Appeal No.78/2025. The learned Appellate Court was pleased to suspend the sentence by its order dated 31.12.2025, imposed by the Trial Court with a condition that the petitioner shall deposit 20% of the fine amount within 30 days from 31.12.2025. The time to deposit was not extended. However, the petitioner was called upon to deposit the fine amount. Hence, the learned Sessions Judge passed the order dated 26.02.2026 as under:

"Advocate for appellant present.

Received TCR.

On perusal of TCR it reveals that, the appellant has not complied the order dated 31.12.2025.

In view of non compliance of order it is just and proper to recall the order dated 31.12.2025.

Accordingly, order dated 31.12.2025 is hereby recalled.

Consequently, order of suspension is hereby recalled.

For arguments.

Call on 06.04.2026."



3. Learned counsel for the petitioner submits that the fine amount is huge and the petitioner is poor labour running hair cutting business shop. Thus, contended that by taking lenient view, further time of 30 days may be granted to deposit the amount otherwise the petitioner will be put to great hardship.

4. The appeal preferred by the petitioner is pending before the Appellate Court. As the petitioner has undertaken to deposit 20% of the fine amount, this Court is of the view that, to meet the ends of justice, a reasonable time is to be granted to the petitioner to deposit the fine amount as ordered by the Appellate Court. Hence, three weeks' time is granted from today to the petitioner to deposit 20% of the fine amount as ordered by the Appellate Court vide order dated 31.12.2025. The impugned order dated 26.02.2026 passed by the Appellate Court vacating the stay granted is hereby set aside, subject to the petitioner depositing the fine amount as



directed, within a period of 21 days from today, which would expire on 02.06.2026.

Accordingly, the petition is ***disposed of***.

In view of disposal of the petition, I.A.s, if any, do not survive for consideration and the same stand disposed of.

**Sd/-
(VENKATESH NAIK T)
JUDGE**

SWK
List No.: 1 Sl No.: 34