



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 3RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL APPEAL NO.100228 OF 2026 (A)

BETWEEN:

SHRIRAM TRANSPORT AND FINANCE COMPANY LTD.,
NOW SHRIRAM FINANCE LTD,
R/BY ITS AUTHORIZED REPRESENTATIVE,
SHRI. TUKARAM RATHOD,
AGE. 33 YEARS, OCC. SENIOR CREDIT EXECUTIVE,
R/O. BELAGAVI-590005.

...APPELLANT

(BY SRI. SHREEVATSA HEGDE, ADVOCATE)

AND:

SHRI. PARASHRAM YALLAPPA KARLEKAR,
AGE. MAJOR, OCC. BUSINESS,
R/O. H.NO.413, SIVAJI CHOWK,
OPP TO SHIVAJI STATUE KHANAPUR
ROAD, PEERANWADI, BELAGAVI.

...RESPONDENT

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 378 (4) OF CR.P.C. (419 (4) OF BNSS), PRAYING TO ALLOWING THIS PETITION BY, SETTING ASIDE THE IMPUGNED JUDGMENT OF ACQUITTAL DATED 02.09.2025 PASSED BY J.M.F.C.-VI COURT, BELAGAVI IN C.C. NO.336/2020 AND CONVICT THE RESPONDENT/ACCUSED FOR THE OFFENCE PUNISHABLE UNDER SECTION 138 OF N.I. ACT.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:





CORAM: THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL JUDGMENT

1. The Co-ordinate Bench of this Court has taken the view that an appeal against an order of acquittal passed by a Magistrate would lie before the Sessions Court and not before the High Court. The said view has been affirmed by the Apex Court.

2. Learned counsel for the appellant would submit that the matter is now referred to a larger Bench and same is pending consideration before the larger bench of the Apex Court. To the pointed question, learned counsel for the appellant would submit that the view taken by the Co-ordinate Bench of this Court and affirmed by the Apex Court has not been stayed by the Apex Court.

3. Under these circumstances, the appeal is not maintainable before this Court. Accordingly, the appeal is ***disposed of.***

4. The appeal is transferred to the jurisdictional Sessions Court.



5. The parties are permitted to carry out the necessary changes in the cause title of the appeal memo after the matter is listed before the Appellate Court.

6. The appellant shall appear before the Appellate Court on 01.07.2026 without awaiting any further notice.

**Sd/-
(ANANT RAMANATH HEGDE)
JUDGE**

RHR/-CT: UMD
List No.: 1 SI No.: 16