



**IN THE HIGH COURT OF KARNATAKA AT DHARWAD**

**DATED THIS THE 11<sup>TH</sup> DAY OF JUNE, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE**

**CRIMINAL APPEAL NO.100246 OF 2026 (A)**

**BETWEEN:**

RAJU S/O. TULAJAPPA KHODE,  
AGE. 43 YEARS, OCC. HOTEL BUSINESS,  
R/O. BEHIND OXFORD COLLEGE,  
KUBERAPURAM, HUBBALLI,  
DIST. DHARWAD-580023.

...APPELLANT

(BY SRI. SACHIN C.ANGADI, ADVOCATE)

**AND:**

AKSHAY S/O. GOPAL KATWE,  
AGE. 35 YEARS, OCC. BUSINESS,  
R/O. PATIL LAYOUT PLOT NO.26,  
OPP. FAST TRAFFIC POLICE STATION,  
KESHWAPOOR, HUBBALLI, DIST. DHARWAD-5800023.

...RESPONDENT

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 378(4) OF CR.P.C. PRAYING TO ALLOW THIS APPEAL AND ADMIT THE APPEAL AND CALL FOR THE RECORDS FROM THE COURT OF THE I ADDITIONAL CIVIL JUDGE AND JMFC, HUBBALLI, IN C.C. NO.31/2024; AND SET ASIDE THE JUDGMENT AND ORDER DATED 10/03/2026 PASSED IN C.C. NO.31/2024 BY THE COURT OF THE I ADDITIONAL CIVIL JUDGE AND JMFC, HUBBALLI, WHEREBY THE ACCUSED HAS BEEN ACQUITTED OF THE OFFENCE PUNISHABLE UNDER SECTION 138 OF THE NEGOTIABLE INSTRUMENTS ACT; AND CONSEQUENTLY, CONVICT THE ACCUSED FOR THE OFFENCE PUNISHABLE UNDER SECTION 138 OF THE NEGOTIABLE INSTRUMENTS ACT AND SENTENCE HIM IN ACCORDANCE WITH LAW, AND IMPOSE THE FINE DOUBLE THE CHEQUE AMOUNT AND COMPENSATION TO THE COMPLAINANT AND ETC.,.

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





CORAM: 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 06.07.2026 without awaiting any further notice.

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

KGK  
CT: UMD  
List No.: 1 Sl No.: 24