

ORDER ON APPLICATION

Advocate for Accused No.1 has filed this application u/Sec.223 R/w.317(2) of Cr.P.C to split-up this case against Accused No.1. In application, advocate for accused No.1 has contended that they all accused No.1 to 4 have approached Hon'ble High Court of Karnataka, Dharwad under CrI.P No.101546/2024 to quash entire proceedings of this case, but Hon'ble Court has stayed the further proceedings against A-2 to 4 and the same is still in force. As per allegations made in the charge-sheet, it is necessary to conduct joint trial against all accused. Therefore, prayed either to register split-up case against accused No.1 or to defer framing charges till the disposal of CrI.Petition. Hence, prayed to allow the application.

L/APP has orally objected on the ground of maintainability of application at this stage.

Heard. Perused the records. Naragund Police have submitted final report against accused No.1 to 4 for the offenses punishable u/Sec.498A, 503 of IPC and Sec.3, 4 of Dowry Prohibition Act. No doubt, in CrI.Petition No.101546/2024 on 12-06-2024, Hon'ble High Court of Karnataka, Dharwad bench has granted stay of further proceedings against A-2 to 4, but no stay order is granted against A-1. Said order itself clearly goes to show that accused No.1 has to face the trial. Therefore, question of defer of matter till the disposal of said petition will not arise.

Further, as per Sec.317(2) of Cr.P.C, if accused is absent and he is not represented by pleader or said accused is absconding, then only question of registering split-up case against absconding or absent accused will arise. But in this case, A-2 to 4 are absent as there is a stay order against them, hence, there is no deliberate absence of said accused. Further, A-1 is appearing before Court. Hence, question of registering the split-up case against A-1 or against other accused will not arise. If separate charges are framed and conducted trial against accused No.1 only, it will noway

cause any prejudice or hardship to other accused as they have their independent right to prove their case. Hence, by considering the facts and circumstances of the case, this Court proceeds to pass following;

ORDER

Application filed by advocate for accused No.1 u/ Sec.223 R/w.317(2) of Cr.P.C is hereby dismissed.

For framing charges against A-1.

Call on 10-08-2026

sd/-
C.J. & JMFC, Nargund

On last date of hearing, Police have submitted report about execution of proclamation against accused on 20-12-2025 and also submitted report with necessary documents by stating that said accused has no properties to attach. But on said day, P.O was on leave, hence, not accepted. But records show that on said day also accused remain absent. Hence, said reports can be considered. On perusal of said reports, Court finds that Police have duly executed proclamation against accused. Hence, both reports are accepted. Called out. Today also, accused remain absent. Case is of the year 2024 and at this stage, there are no chances to secure the accused. Hence, it is necessary to post the case for recording the evidence under Sec.299 of Cr.P.C.

Hence, posted for evidence under Sec.299 of Cr.P.C.

Issue W/s to CHC-896 of Naragund Police and CW-1.

For evidence under Sec.299 of Cr.P.C.

Call on: 21-04-2026

C.J & JMFC, Naragund.