



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

**DATED THIS THE 26<sup>TH</sup> DAY OF FEBRUARY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR**

**CRIMINAL PETITION NO. 822 OF 2026 (482(Cr.PC) /  
528(BNSS))**

**BETWEEN:**

SRI MAHESH V  
S/O LATE. VENAKTESH,  
AGED ABOUT 43 YEARS,  
PROP-OF M/S CHAMUNDESWARI MYS BIR  
TRANSPORT AND COMMISSION AGENT,  
NO-4, FIRST MAIN, BAMBOO BAZAR  
MYSURU-570 001.

...PETITIONER

(BY SRI. A.LOURDU MARIYAPPA, ADVOCATE)

**AND:**

RAVI KANTH SETHIA  
S/O PAWAN SETHIA,  
AGED ABOUT 46 YEARS,  
MANAGING DIRECTOR OF  
M/S BALURGHAT TECHNOLOGIES ITD,  
MONEY TRACE BUILDING,  
SHANTHINAGAR, BENGALURU-560027.

...RESPONDENT

(BY SRI. S.B SRIKANTH., ADVOCATE)

THIS CRL.P IS FILED U/S 482 CR.P.C (U/S 528 BNSS)  
PRAYING TO SET ASIDE THE IMPUGNED ORDER PASSED BY  
THE IV JMFC, MYSURU, IN CC.NO.159/2023, DTD 12.01.2026,  
AT ANNEXURE-A, ON THE APPLICATION U/S 91 OF CR.P.C AND  
ETC.





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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

**ORAL ORDER**

In this petition, petitioner seeks the following reliefs :

*"a. Call for the records, pending on the file of learned  
IV JMFC, Mysuru, in C.C.No.159/2023,*

*b. Set aside the impugned order passed by the  
IV JMFC, Mysuru in C.C.No.159/2023, dated 12.01.2026,  
Annexure-A, on the application under Section 91 of Cr.P.C.*

*c. and thereby allow the criminal petition and the IA  
under Section 91 of Cr.P.C. in C.C.No.159/2023, pending on  
the file of learned IV JMFC, Mysuru,*

*d. Grant such other relief as this Hon'ble Court deems  
fit in the circumstance of the case in the interest of justice  
and equity."*

2. Heard the learned counsel appearing for both parties and  
perused the material on record.

3. A perusal of the material on record will indicate that while  
there is a strict contention of the petitioner that the subject lorry  
challans bearing No.700501768, dated 13.11.2020 and  
No.700501803, dated 21.11.2020 are in the custody and  
possession of the respondent/accused, the respondent/accused  
submits that he does not have the custody or possession of the  
said challans and is not in a position to produce the same.



4. Under these circumstances, though several contentions have been urged by both sides in support of their respective claims as regards custody/non custody of the aforesaid lorry challans bearing No.700501768, dated 13.11.2020 and No.700501803, dated 21.11.2020, without expressing any opinion on the merit/demerits of the rival contentions, I deem it just and appropriate to dispose of this petition by reserving liberty in favour of the petitioner to request the trial Court to draw inference/adverse inference against the respondent/accused for production/non-production of the aforesaid lorry challans and keeping/leaving open all rival contentions in this regard to be decided by the trial Court at the time of final disposal of the proceedings.

Accordingly, the \* *Criminal* petition stands ***disposed of.***

The trial Court is directed to dispose of the proceedings on or before **30.04.2026.**

**Sd/-  
(S.R.KRISHNA KUMAR)  
JUDGE**

\* *Corrected vide Chamber order dated: 07.03.2026.*

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List No.: 2 Sl No.: 2