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NC: 2026:KHC:11553
CRL.RP No. 302 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 24TH DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
CRIMINAL REVISION PETITION NO. 302 OF 2026

BETWEEN:

1. SHIVA PRASAD
S/O BYREGOWDA
AGED 41 YEARS
R/O TIRUGUNA VILLAGE
VASTHARE HOBLI
CHIKKAMAGALURU TALUK
AND DIST - 577 133.
2. SHIVAKUMAR
S/O BYREGOWDA
AGED 43 YEARS
R/O TIRUGUNA VILLAGE
VASTHARE HOBLI
CHIKKAMAGALURU TALUK
AND DIST - 577 133.
3. DEEPU
S/O SOME Gowda
AGED 40 YEARS
R/O IMMANAMANE
TIRUGUNA VILLAGE
VASTHARE HOBLI
CHIKKAMAGALURU TALUK
AND DIST - 577 133.
4. GOPI
S/O SOME Gowda
AGED 40 YEARS
R/O IMMANAMANE
TIRUGUNA VILLAGE
VASTHARE HOBLI
CHIKKAMAGALURU TALUK
AND DIST - 577 133.

...PETITIONERS

(BY SRI GIRISH B BALADARE, ADV.)





AND:

1. STATE BY ALDUR POLICE
ALDUR, CHIKKAMAGALURU
DISTRICT - 577 101
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT BUILDING
BANGALORE - 560 001.
2. R-2 DELETED V/O DTD 20.02.2026

...RESPONDENTS

(BY SRI ANOOP KUMAR M.V, HCGP FOR R-1)

THIS CRL.RP IS FILED U/S.397 R/W 401 CR.P.C (U/S 438 R/W 442 BNSS) PRAYING TO SET ASIDE THE ORDER DATED 13.01.2026 PASSED BY THE PRL.DISTRICT AND SESSIONS JUDGE CHIKKAMAGALUR IN S.C.NO.38/2018 AND ALLOW THE APPLICATION FILED U/S. 216 OF CR.P.C.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused nos.1 to 4 are before this Court in this criminal revision petition filed under Sections 397 & 401 of Cr.PC with a prayer to set aside the order dated 13.01.2026 passed by the Court of Prl. District & Sessions Judge, Chikkamagaluru, in S.C.No.38/2018.
2. Heard the learned Counsel for the parties.



3. Petitioners herein were charge-sheeted for the offences punishable under Sections 324, 323, 354 read with 34 IPC in Crime No.253/2014 registered by Aldur Police Station, Chikkamagaluru and after charge sheet, a criminal case was registered against them in CC.No.212/2016 before the Court of Prl. Civil Judge & JMFC, Chikkamagaluru. The said case was committed to the Court of jurisdictional Sessions Judge to be tried along with the counter case in S.C.No.75/2015 and the case as against the petitioners before the Sessions Court was numbered as S.C.No.38/2018.

4. In the said case, the prosecution had filed an application under Section 216 of Cr.PC with a prayer to alter the charge as against accused no.1 by invoking Section 307 IPC. The said application was allowed by the learned Sessions Judge on 13.01.2026. On the very same day, additional charge was framed for the offence punishable under Section 307 IPC against accused nos.1 to 4. Aggrieved by the said order, petitioners are before this Court.

5. Perusal of the material on record would go to show that petitioners were charge-sheeted in the present case only for



the offences punishable under Sections 324, 323, 354 read with 34 IPC and criminal case that was registered against them in CC.No.212/2016 before the Court of Prl. Civil Judge & JMFC, Chikkamagaluru, was committed by the learned Magistrate to be tried along with the counter case in S.C.No.75/2015 that was registered on the basis of the complaint made by Shiva Prasad who is arrayed as accused no.1 in the present case.

6. The prosecution has filed an application under Section 216 Cr.PC read with Section 239 of BNSS, 2023, only to alter/frame charge for the offence under Section 307 IPC against accused no.1. Considering the fact that the material on record would go to show that accused no.1 was armed with a deadly weapon and an attempt was made by him to assault CW-4 with the said weapon uttering words indicating his intention to kill CW-4, the Trial Court had allowed the application filed by the prosecution under Section 216 Cr.PC. However, having allowed the application filed by the prosecution under Section 216 of Cr.PC on 13.01.2026, on the very same day, additional charge has been framed for the offence under Section 307 IPC against accused nos.1 to 4,



though application filed under Section 216 of Cr.PC was allowed only in so far as it relates to accused no.1.

7. Under the circumstances, I am of the opinion that the order impugned dated 13.01.2026 in so far as it relates to framing additional charge for the offence under Section 307 IPC read with 34 IPC as against accused nos.2 to 4 cannot be sustained. Accordingly, the following order:

8. Revision petition is allowed in part. The impugned order dated 13.01.2026 passed by the Court of Prl. District & Sessions Judge, Chikkamagaluru, in S.C.No.38/2018, framing additional charge for the offence under Section 307 read with 34 IPC in so far as it relates to accused nos.2 to 4 is set aside, and the same remains unaltered as against accused no.1.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

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