



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO.356 OF 2026 (A)

BETWEEN:

1. SRI KUMAR
S/O BORAPPA,
AGED ABOUT 44 YEARS,
RESIDING AT WARD NO.2,
REHAMATH NAGARA,
CHAMARAJANAGARA TOWN-571 313.
2. SRI. RANGASWAMI,
S/O NINGAYYA,
AGED ABOUT 51 YEARS,
RESIDING AT K H B COLONY,
BEHIND COURT,
CHAMARAJANAGARA TOWN- 571 313.
3. SRI. SYED KAMAL,
S/O LATE SYED PHIR,
AGED ABOUT 45 YEARS,
RESIDING AT WARD NO.2,
REHAMATH NAGARA,
CHAMARAJANAGARA TOWN- 571 313.
4. SRI. R.V. MAHADEVAPPA,
S/O LATE R.V. VEERANACHAR,
AGED ABOUT 54 YEARS,





RESIDING AT 1ST CROSS,
SHANKARAPURA COLONY,
CHAMARAJANAGARA TOWN-571 313.

5. SRI. MAHESH,
S/O PUTTASIDDHA SHETTI,
AGED ABOUT 36 YEARS,
RESIDING AT OPPOSITE TO
KAATI CHATRA, KUMBARA ROAD,
CHAMARAJANAGARA TOWN- 571 313.

6. SRI. MANJUNATHA
S/O SHIVANANJU
AGED ABOUT 41 YEARS,
RESIDING AT WARD NO.25,
CHAGIRATHA NAGARA,
CHAMARAJANAGARA TOWN-571 313.

...APPELLANTS

(BY SRI. PRUTHVEEN PRALHAD KATTIMANI, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY CHAMARAJANAGARA TOWN PS,
REP BY
SPECIAL PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU-01.

...RESPONDENT

(BY SRI. RAHUL RAI K., HCGP)

THIS CRL.A IS FILED UNDER SECTION 378(1)(b) OF
CR.P.C 1973/UNDER SECTION 419 (4) OF BNSS, PRAYING TO
ALLOW THE APPEAL BY SETTING ASIDE THE PORTION OF THE



JUDGMENT DATED 09.02.2023 IN C.C.NO.494/2021 ON THE FILE OF THE LEARNED ADDITIONAL SENIOR CIVIL JUDGE AND JMFC., AT CHAMARAJANAGARA INsofar AS IT DIRECTS CONFISCATION OF RS.41,060/- TO THE GOVERNMENT, ETC.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

1. The appellants have preferred this appeal against the judgment and order dated 09.02.2023 passed by the Additional Senior Civil Judge and JMFC, Chamarajanagara in C.C.No.494/2021 insofar as it relates to the order for confiscation of Rs.41,060/- to the Government.

2. The appellants are the accused in C.C.No.494/2021 on the file of the Additional Senior Civil Judge and JMFC, Chamarajanagara. After trial, the trial court has acquitted accused Nos.1 to 6 of the offence punishable under Sections 79 and 80 of the Karnataka Police Act and the trial court has passed an order for confiscation of the seized amount of Rs.41,060/- to the Government. In the impugned judgment, it is observed that the Police have seized the amount of



Rs.41,060/- from the possession of the accused under Mahazar. When the trial court has acquitted the accused, it ought to have released the said amount in favour of the accused. The trial court has not assigned any reasons for confiscation of this amount to the Government, which is not sustainable in law.

3. Hence, I proceed to pass the following:

ORDER

- (i) The appeal is allowed.
- (ii) The judgment and order dated 09.02.2023 passed by the Additional Senior Civil Judge and JMFC, Chamarajanagar in C.C.No.494/2021 regarding confiscation of the amount of Rs.41,060/- - M.O.3 is set aside.
- (iii) The trial court is directed to refund the amount of Rs.41,060/- in favour of appellant Nos.1 to 6 as sought on proper identification.
- (iv) Registry is directed to send a copy of this order to the trial court for compliance.

**Sd/-
(G BASAVARAJA)
JUDGE**

hkh.
List No.: 1 Sl No.: 21