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NC: 2026:KHC:16667
CRL.P No. 4540 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 4540 OF 2026

BETWEEN:

1. SMT. JAYABAI
W/O LAKSHMINAIK
AGED ABOUT 58 YEARS
2. SRI. RAVINAIK K. L.,
C/O LAKSHMANA NAIK
AGED ABOUT 37 YEARS
3. SRI SANTHOSH NAIK K. L.,
S/O LAKSHMANA NAIK
AGED ABOUT 34 YEARS
4. SMT. NEELABAYI
C/O LAKSHMA NAIK
AGED ABOUT 56 YEARS

PETITIONER NOS. 1 TO 4 ARE
R/AT NO.67,
KELAGINANAYAKARANDAHALLI
ANTHARAHALLI POST
DOD BALLAPUR
BANGALORE RURAL DISTRICT
KARNATAKA – 561 203.

5. SRI NANJUNDACHAR
S/O ASHWATHACHAR





R/AT NO.73 BACHAHALLI
ANTHARAHALLI POST
DODDABALLAPURA TALUK
DOD BALLAPUR
BANGALORE RURAL DISTRICT
KARNATAKA – 561 203.

6. SMT. SUMITHRA BAI
W/O NATARAJA NAIK
KELAGINANAYAKARANDAHALLI
BENGALURU RURAL DISTRICT
KARNATAKA – 561 203.

7. PADMA BAI K. L.,
W/O SRINIVASANAIAK
AGED ABOUT 37 YEARS
THUBARGERRE HOBLI
VTC: KELAGINANAYAKARANDAHALLI
PO: ANTHARACHALLI
SUN DISTRICT: DODBALLAPUR DISTRICT
BANGALORE RURAL KARNATAKA – 561 203.

...PETITIONERS

(BY MS. RAKSHITHA P.SINGH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY DODDABALLAPURA RURAL POLICE STATION
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU – 560 001.

2. SMT. MUNI BAI
W/O NARASIMHAIAH



AGE: MAJOR
R/AT NO.66, 5TH CROSS
KIRLOSKAR FOUNDRY
YASWANTHAPURA
BENGALURU CITY
KARNATAKA – 560 022.

...RESPONDENTS

(BY SRI B.N.JAGADEESHA, ADDL. SPP FOR R1)

THIS CRL.P IS FILED U/S 482 CR.P.C (FILED U/S 528 BNSS) PRAYING TO QUASH THE ORDER DATED 29.01.2026 PASSED IN SPL.C NO. 113/2014 BY THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, BANGALORE RURAL DISTRICT AT BANGALORE AND ALLOW THE PETITIONERS TO CROSS EXAMINE OF PW.9 AND PW.18 AND TO DEPOSIT WITNESS BATHA OF RS.5,000/- EACH AS PER ORDER DATED 03.01.2026 PASSED IN SPL.C NO. 113/2014 BY THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, BANGALORE RURAL DISTRICT AT BANGALORE.

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioners are before this Court seeking the following prayer:

“WHEREFORE, Petitioners humbly prays that this Hon'ble Court may be pleased to quash the order dated 29.01.2026 passed in SPL.C No.113/2014 by the II Additional District and Sessions Judge, Bangalore Rural District at Bangalore and allow the petitioners to cross examine of PW.9 and PW.18 and to deposit witness batha of Rs.5,000/- each as per order dated 03.01.2026 passed in SPL.C No.113/2014 by the II Additional District and Sessions Judge, Bangalore Rural District at Bangalore, in the ends of Law and justice.”



2. Heard Ms. Rakshitha P. Singh, learned counsel for petitioners and Sri B.N.Jagadeesha, learned Additional State Public Prosecutor for respondent No.1.

3. Facts, in brief, germane are as follows:

The petitioners are accused Nos.1 to 4 and 6 to 8, who are facing proceedings in Spl.C.No.113/2014. The issue in the *lis* is not with regard to the merit of the matter. An application is filed by the petitioners under Section 348 of the BNSS or Section 311 of the Cr.P.C., the earlier regime, in Special Case No.113/2014 seeking permission to recall prosecution witnesses – PWs.9 and 18. The application comes to be allowed by the concerned Court, with a condition that an amount of ₹5,000/- for each of the witnesses as witness bhata should be deposited before the concerned Court on or before 07.01.2026. Due to inadvertent gap in communication, it transpires that the amount of ₹10,000/- is not deposited by the petitioners and therefore, the opportunity of further cross-examination is now at jeopardy.



4. Learned counsel for the petitioners submits that the petitioners would immediately deposit the amount as was directed by the concerned Court, if this Court would permit to do so and the concerned Court be directed to permit the petitioners to recall prosecution witnesses – PWs.9 and 18 for further cross-examination.

5. In that light, I deem it appropriate to permit the petitioners to deposit the amount of ₹10,000/- in the next 3 days and the concerned Court to fix the date for further cross-examination of PW.9 and PW.18 in terms of the order dated 03.01.2026, whereby, the concerned Court has directed to deposit amount, while allowing the application under Section 348 of the BNSS.

6. For the aforesaid reasons, the following:

ORDER

- a. The criminal petition is allowed.
- b. The impugned order dated 29.01.2026, passed by the II Additional District and Sessions Judge, Bengaluru, stands quashed.



- c. The order dated 03.01.2026, passed by the II Additional District and Sessions Judge, Bengaluru, stands recalled and modified, by permitting the petitioners to deposit the amount of ₹5,000/- to each of the prosecution witnesses – PWs.9 and 18, as witness bhatta within 27.03.2026.
- d. The concerned Court shall permit the petitioners for further cross-examination of PW9 and PW18 on the date fixed by it, subject to the deposit of ₹10,000/- as was indicated in the order dated 03.01.2026.

Ordered accordingly.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

NVJ
List No.: 2 Sl No.: 29