



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 4851 OF 2025 (482(Cr.PC) /
528(BNSS))

BETWEEN:

1. CHETHAN NAYAKA
S/O.RAVI NAYAKA
AGED ABOUT 32 YEARS
NO. 18/2, 20TH MAIN ROAD,
MARENAHALLI, VIJAYANAGAR,
BENGALURU CITY, KARNATAKA,
PINCODE-560040.
2. MANJUNATHA
S/O NAGAPPA,
AGED ABOUT 38 YEARS
NO.27, 8TH CROSS,
NEAR ANJAN TALKIES,
MAGADI ROAD, BENGALURU CITY,
KARNATAKA, PINCODE-560023.
3. KEMPARAJU
S/O EESHWARAPPA
AGED ABOUT 39 YEARS
NO. 101, B.D.A APARTMENT,
5TH MAIN ROAD,
PANCHASHEELA NAGAR,
MUDALAPALYA, BENGALURU CITY,
KARNATAKA, PINCODE-560040





4. SHIVANANDA
S/O SHIVALINGAYYA
AGED ABOUT 39 YEARS
NO.34/1, 7TH CROSS,
AZAD NAGAR, CHAMARAJAPET,
BENGALURU CITY,
KARNATAKA, PINCODE-560018.
5. HONNEGOWDA M R
S/O RAMEGOWDA
AGED ABOUT 42 YEARS
NOW R/AT NO. NIL, 7TH CROSS,
PRAKASH NAGAR,
BENGALURU CITY, KARNATAKA,
PINCODE-560021.
6. RAVIKUMAR
S/O ANNAPPA
AGED ABOUT 50 YEARS
NO.147/15, 1ST MAIN ROAD,
1ST CROSS,, PEENYA,
BENGALURU CITY,
KARNATAKA, PINCODE-560058.
7. SWAMY
S/O KRISHNEGOWDA MR,
AGED ABOUT 42 YEARS
NO.361, 5TH MAIN ROAD,
6TH CROSS,, G.K.W LAYOUT,
BENGALURU CITY,
KARNATAKA, PINCODE-560040.
8. RAJASHEKARAI AH
S/O BASAVARAJAPPA
AGED ABOUT 66 YEARS



NO.69, MALAGALA,
NAGARABHAVI 2ND STAGE,
BENGALURU CITY,
KARNATAKA, PINCODE-560072.

9. RAMALINGEGOWDA B J
S/O JAVAREGOWDA
AGED ABOUT 46 YEARS
NO.119/9, MARUTHINAGAR,
SONNENAHALLI, BENGALURU CITY.
KARNATAKA, PINCODE-560056.
10. LOKESH
AGED ABOUT 48 YEARS,
S/O DODDALINGAPPA
NO.64 GOLLAHALLI,
KUMBALAGUDU
BENGALURU CITY
KARNATAKA
PIN CODE 560 074.
11. GALAPPA
AGED ABOUT 46 YEARS
S/O VENKATAPPA
NO. NOT KNOWN,,
HEROHALLI, MAGADI
MAIN ROAD.
BENGALURU CITY,
KARNATAKA, PINCODE-560023.
12. PRAKASHACHARI
S/O KANTHACHARI
AGED ABOUT 39 YEARS
NO.47, 2ND CROSS,
RAJ MAHAL VILAS, ARAMANE NAGAR,



SADASHIVANAGAR,
BENGALURU CITY,
KARNATAKA, PINCODE-560091.

13. NAVEEN KUMAR
S/O BOREGOWDA
AGED ABOUT 44 YEARS
NO.32, 2ND MAIN ROAD,
MAHADESHWARANAGAR,
HEROHALLI,
BENGALURU CITY,
KARNATAKA, PINCODE-560023.
14. VASANTH KUMAR
S/O RAMACHANDRAPPA
AGED ABOUT 49 YEARS
NO.234, 2ND CROSS,
MARUTHINAGAR, SONNENAHALLI,
BENGALURU CITY,
KARNATAKA, PINCODE-560056.
15. KAMAL PUNJABI
S/O HARICHAND
AGED ABOUT 40 YEARS
NO.19/10,
NAGAPPA STREET,
PALACE GUTTAHALLI,
BENGALURU CITY,
KARNATAKA, PINCODE-560003.
16. BHOOPATHI
S/O KESHAVULU NAIDU
AGED ABOUT 44 YEARS,
NO. 184,, PULLURU,
MOTURU, THIRUVANNAMALAI,



TAMILNADU, 606752.

17. RAGHU
S/O VARADAN
AGED ABOUT 50 YEARS
NO.G-6, 55 RESIDENCY,
KODIGEHALI,
BENGALURU CITY,
KARNATAKA, PINCODE-560091.
18. SURESH
S/O SANNAYYA
AGED ABOUT 50 YEARS.
NO.112/1, 14TH CROSS,
CHOLARAPALYA, K.P.AGRAHARA,
BENGALURU CITY,
KARNATAKA, PINCODE-560023.
19. GANGADHAR
S/O MALLAYYA
AGED ABOUT 41 YEARS
NO.NIL, BYALALU,
DODDA ALADAMARA,
BENGALURU CITY,
KARNATAKA, PINCODE-560060.
20. RAVIKUMAR
S/O GIRIYAPPA
AGED ABOUT 58 YEARS
MANIKANTESHWARA NILAYA,
NEAR RAJAKUMAR SAMADHI,
NANDINI LAYOUT,
BENGALURU CITY,
KARNATAKA, PINCODE-56009.



21. SHIVAKUMAR S
S/O SUBRAHMANI
AGED ABOUT 51 YEARS
NO. 174, 1ST MAIN ROAD,
NEAR NALANDA TALKIES,
AZAD NAGAR,
BENGALURU CITY
KARNATAKA, PINCODE-560018.
22. MANJUNATHA
S/O LINGEGOWDA
AGED ABOUT 41 YEARS
NO.118, 5TH CROSS,
BAGALAGUNTE,
BENGALURU CITY,
KARNATAKA, PINCODE-560073.
23. JAVAREGOWDA
S/O CHIKKA KALEGOWDA
AGED ABOUT 55 YEARS
R/AT NO. 128/1, 5TH CROSS,
5TH MAIN ROAD,
CHOWDESHWARINAGAR,
LAGGERE,
BENGALURU CITY.
KARNATAKA, PINCODE-560058.
ADDRESS MENTIONED AS PER FIR
24. RAMESH
S/O RAMANJULU
AGED ABOUT 46 YEARS
NO.NOT KNOWN,
MALAGALA, NAGARABHVI,
BENGALURU CITY.



KARNATAKA,
PINCODE-560072.

25. ANAND
S/O NARASANNA
AGED ABOUT 52 YEARS
NO.NIL,
NEAR LAKSHMI TEMPLE,
HEROHALLI,
BENGALURU CITY,
KARNATAKA, PINCODE-560091.
26. SURESH
S/O HONNEGOWDA
AGED ABOUT 46 YEARS
NO.42, 3RD CROSS,
PATTEGARAPALYA,
BENGALURU CITY,
KARNATAKA, PINCODE-560079.
27. KODANDARAMA A
S/O LATE ANDANAPPA B
AGED ABOUT 55 YEARS
NO.279, 10TH CROSS,
VIJAYANAGAR,
BENGALURU CITY,
KARNATAKA, PINCODE-560040
ADDRESS MENTIONED AS PER FIR.
28. KMALESH
S/O NARAYANASWAMY
AGED ABOUT 49 YEARS
NO. 22, 2ND CROSS,
KALYANANAGAR,
NAGARABHAVI MAIN ROAD,



BENGALURU CITY,
KARNATAKA, PINCODE-560 272.

29. MURTHY
S/O RAMANNA
AGED ABOUT 46 YEARS
NO.NIL, 3RD CROSS,
ANDHRAHALLI, BENGALURU CITY,
KARNATAKA, PINCODE-560091.
30. RAMESH
S/O SANGAPPA
AGED ABOUT 46 YEARS
NO.04, 1ST MAIN ROAD,
LAGGERE, BENGALURU CITY,
KARNATAKA, PINCODE-560058.
31. JAGADISHA M V
S/O VENKATAPPA G
AGED ABOUT 53 YEARS,
NOW R/AT NO.40,
MAHADESHWARANAGAR,
BENGALURU CITY, KARNATAKA,
PINCODE-560091
ADDRESS MENTIONED AS PER FIR.
32. DEVARAJ
S/O DODDAIAH
AGED ABOUT 36 YEARS
NO.528, CHORD ROAD,
NEAR SHANIMAHATHMA TEMPLE,
BENGALURU CITY, KARNATAKA,
PINCODE-560086.



33. RAMESH
S/O SHYAMDEV PASVAN
AGED ABOUT 41 YEARS
NO.NIL, 5TH CROSS,
LAVAKUSHANAGAR,
BENGALURU CITY, KARNATAKA.
34. PRANESH
S/O CHANNEGOWDA
AGED ABOUT 42 YEARS
NO.12-E, 1ST CROSS,
ANDHRAHALLI, BENGALURU CITY,
KARNATAKA, PINCODE-560100.
35. NARASIMHAMURTHY
S/O VENKATACHALAI AH
AGED ABOUT 49 YEARS
NO.176, NELAMANGALA MAIN ROAD,
BENGALURU CITY,
KARNATAKA, PINCODE-562123.
36. RAMESH
S/O NARASIMHAYYA
AGED ABOUT 44 YEARS
NO.NIL, 17TH CROSS,
10TH MAIN ROAD,
NARASIMHAIAH COMPOUND,
PADARAYANAPURA, BENGALURU CITY,
KARNATAKA, PINCODE-560026.
37. CHANDRA
S/O CHANDRAPPA
AGED ABOUT 59 YEARS
NO.NIL, 1ST CROSS, KARNATAKA,
PINCODE-560086



OPP. TO GANESH BHAVAN,
KAVERIPURA,
BENGALURU CITY.

38. CHANDRAKUMAR
S/O MUNIYAPPA
AGED ABOUT 34 YEARS
NO.17, 1ST MAIN ROAD,
SUNKADAKATTE,
BENGALURU CITY,
KARNATAKA, PINCODE-577217.
39. ANJANEYA
S/O FAKIRAPPA
AGED ABOUT 50 YEARS
NO.368, 2ND CROSS,
NEAR SHIVANAMURTHY TEMPLE,
ANDHARAHALLI,
BENGALURU CITY,
KARNATAKA, PINCODE-560091.
40. OWNER
KARNATAKA STATE RETIRED
EMPLOYEES CULTURAL SPORTS,
AND RECREATION CLUB,
NO.201, SAMPIGE LAYOUT,
BENGALURU CITY,
KARNATAKA, PINCODE-560079.
41. CHAIRMAN
KARNATAKA STATE RETIRED
EMPLOYEES CULTURAL SPORTS,
AND RECREATION CLUB,
NO.201, SAMPIGE LAYOUT,
BENGALURU CITY,



KARNATAKA,
PINCODE-560079.

42. DIRECTORS
KARNATAKA STATE RETIRED
EMPLOYEES
CULTURAL SPORTS, AND
RECREATION CLUB,
NO.201, SAMPIGE LAYOUT,
BENGALURU CITY,
KARNATAKA, PINCODE-560079.

43. SECRETARIES
KARNATAKA STATE RETIRED
EMPLOYEES CULTURAL SPORTS,
AND RECREATION CLUB,
NO.201, SAMPIGE LAYOUT,
BENGALURU CITY,
KARNATAKA, PINCODE-560079.

44. MANAGER
KARNATAKA STATE RETIRED
EMPLOYEES CULTURAL,
SPORTS, AND RECREATION CLUB,
NO.201, SAMPIGE LAYOUT,
BENGALURU CITY,
KARNATAKA, PINCODE-560079.

...PETITIONERS

(BY SRI. HANUMANTHARAYA D.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY GOVINDRAJA NAGAR POLICE SATION



REPRESENTED BY SPP OFFICE,
HIGH COURT OF KARNATAKA,
BANGALORE 560001.

2. MAHESH BAYAKUD
POLICE SUB INSPECTOR,
GOVINDARAJA NAGAR POLICE STATION,
SARASWATINAGAR, BENGALURU CITY,
KARNATAKA-560040.

...RESPONDENTS

(BY SRI.CHANNAPPA EARAPPA., HCGP)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) PRAYING TO QUASH THE IN CC NO.6081/2024, OF THE RESPONDENT GOVINDRAJANAGAR POLICE STATION PENDING ON THE FILE OF JUDICIAL MAGISTRATE FIRST CLASS (TRAFFIC COURT-II) BANGALORE FOR THE O/P/U/S 79 AND 80 OF K.P ACT,1963.

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

CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA



ORAL ORDER

Heard the learned counsel Sri. Hanumantharaya D, appearing for the petitioners, Sri. Channappa Earappa, the learned HCGP appearing for respondent No.1 and have perused the material on record.

2. The petitioners are before this Court, seeking the following prayer:

"Quash the C.C.No. 6081/2024, of the Respondent Govindrajanagar Police Station pending on the file of Judicial Magistrate first class (Traffic Court-II), Bangalore, for the offence punishable u/s 79 & 80 of KP, ACT, 1963."

3. Learned counsel appearing for the petitioners would submit that the issue in the *lis* stands covered by the judgment rendered by this Court in Crl.P.No.6777/2024 disposed on 15.07.2024, wherein it has held as follows:

"The petitioner is before this Court calling in question registration of a crime in Crime No.171/2023 and the proceedings in C.C.No.8443/2023, pending before the IV Metropolitan Magistrate Traffic Court, Bengaluru, registered for the offences punishable under Sections 79 and 80 of the Karnataka Police Act, 1963."



2. Heard Smt. Aditi, learned counsel for Sri Ajay Govindraj, learned counsel for petitioner and Sri Harish Ganapathi, learned High Court Government Pleader for the respondent No.1.

3. The learned counsel for the petitioner submits that the issue in the case at hand stands covered by the judgments rendered by the co-ordinate benches of this Court in **Crl.P.No.100877/2014, disposed on 13.06.2014**, which read as follows:

"5. On analysing the above said provision of law, this Court has rendered a decision reported in 1971(2) Mys. L.J. 187 in the case of Chickarangappa & Others Vs. State of Mysore and another decision reported in 1977 (1) K.L.J. 274 in the case of Eranna Vs. State of Karnataka, which decisions declare that, "playing 'Andar Bahar' is a game of skill and not mere a game of chance and therefore, the offence punishable under Section 79 and 80 of the Act are not attracted".

6. In the ruling reported in 1977 (1) K.L.J. 274 (supra), this Court has categorically held that, game of 'Andar Bahar' is not a game of chance. The facts are also little bit relevant as quoted in the said case. At paragraph 7 of the said judgment, it is stated that;



"In this view of the matter, the essential ingredient of the offence was not proved. It could not be established that the petitioner – accused were playing a game of chance and one does not know how the game 'Andar Bahar' is actually played with the assistance of cards. Even if any betting was resorted to and even if any pledge of moveables was made in support of that betting, that by itself did not convert a game of a skill into a game of chance. At any rate it was not categorically proved that 'Andar Bahar' is a game of chance and that these accused were playing that game. They were not covered under the definition of gaming in a common house. Since the institution where the accused were found playing the game with cards is a club, it is not unusual that cards are played in a club, and it may even be that some betting was also being done. These facts by themselves never proved that a game of chance was being played or that no skill was involved in that game so that it could be considered to be a mere game of chance. It is manifest that a game of skill would not be held to be gambling for the purpose of the Act. In this view of the matter, no offence under Sections 79 and 80 of the Karnataka Police Act, 1963 was made out against the petitioners. Hence the conviction of sentence was set aside".



"This revision petition is filed under Section 397 read with Section 401 of Cr.P.C. by the State, aggrieved by the order passed by the learned Magistrate in releasing the interim custody of the cash amount in favour of accused No.2/ respondent No.2.

3. Learned counsel for the petitioner – State submits that the trial Court has lost sight of the fact that the amount was seized while the accused were indulged in playing Andar Bahar.



In the event prosecution successfully proves its case, said money is liable to be confiscated to the State Government. The court had acted on the fabricated documents produced by the accused No.2 projecting that the money belong to Srikumar Roadlines, under whom he was employed. Though the prosecution had disputed the said document without probing about the veracity of the document, the trial Court has hurriedly released the interim custody of the cash amount. In fact the said cash amount is required to be marked in evidence during the trial. The currency notes are not perishable in nature and there was no dire necessity to release the interim custody of the cash amount in favour of second applicant. The accused No.5 has pleaded guilty and was imposed fine, that strengthens the case of prosecution. In the judgment of this Court reported in 1993 CRL.L.J. 3109 in the case of T. Narayanaswamy vs. State and Others, it has been held that release of money seized for the interim custody is bad in law. Hence, the impugned order is liable to be set aside.

4. In reply, Sri Anoop G. Deshpande, learned counsel for R1 to R4 and R6 to R7 submits that the impugned order being in the nature of interlocutory order is not amenable to the revision jurisdiction. Hence, the very petition itself is not maintainable. In fact, the money seized was not the gaming money, but it belongs to his employer Srikumar Roadlines and the court below having satisfied about his contention was pleased to



release the interim custody to his possession. However, the interest of State is protected by directing him to execute the indemnity bond for Rs.50,000/- with one surety for the likesum. Even the interest of the prosecution about the identification of the currency notes is also taken care by directing him to assist the C.M.O. of the Court at his cost in taking photographs of the currency notes.

5. Respondent No.5 is served and not represented.

6. As regards the first contention about the maintainability of the revision petition, by a catena of judicial pronouncements of this Court and other High Courts, it is held that the release of interim custody of the seized property is the nature of adjudication of the rights of the parties in reference to the said property. The said order is amenable for revision jurisdiction under Section 397 of Cr.P.C. Hence, there is no merit in the contention that this petition is not maintainable.

7. As regards the merit of the impugned order is concerned, the court below being convinced with a certificate produced by the second applicant issued by his employer Srikumar Roadlines and also daily enquiry report dated 14.11.2012 has inferred that he is an employee of the said Roadlines. Keeping open the question of the ownership of the seized property / cash amount in question the court below has ordered interim



custody by taking the photographs of currency notes and also by calling upon the applicant to execute the indemnity bond of Rs.50,000/- with one surety for the likesum.

8. Under the circumstances, I hold that the impugned has not prejudiced the case of the State and it is not illegal. The grounds urged by the State lacks merits and does not call for interference of this Court. Accordingly, petition is rejected".

In the light of the afore-extracted judgments rendered by the co-ordinate benches of this Court and in the facts obtaining in the case at hand, which covers the issue on all its fours, I deem it appropriate to quash the proceedings, qua the petitioner.

4. For the reasons aforementioned, the following:

ORDER

- (i) The Criminal Petition is allowed.*
- (ii) The impugned Crime No.171/2023 and the proceedings in C.C.No.8443/2023, pending before the IV Metropolitan Magistrate Traffic Court, Bengaluru, stand quashed.*

I.A.No.1/2024 stands disposed, as a consequence."



4. In the light of the order passed by this Court (*supra*) and for the reasons aforementioned, the following:

ORDER

- (i) The Criminal Petition is allowed.
- (ii) The proceedings in C.C.No.6081/2024 pending before Judicial Magistrate First Class (Traffic Court-II) Bangalore, stand quashed, *qua* the petitioners.

Sd/-
(M.NAGAPRASANNA)
JUDGE

AN/-