



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 36954 OF 2025 (GM-RES)

BETWEEN:

SHRI. C. MAHESH KUMAR
S/O. LATE CHIKKAIAH,
AGED ABOUT 55 YEARS,
137, AVVANA MANE,
GANDHINAGAR, BADRAVATHI,
SHIMOGA DISTRICT,
BHADRAVATHI-577 201.

...PETITIONER

(BY SMT. SUSHEELA S. SENIOR COUNSEL FOR;
SRI. RAVI SHANKAR K.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP BY ITS UNDER SECRETARY,
HOME DEPARTMENT, 2ND FLOOR,
VIDHANA SOUDHA,
BENGALURU-560 001.
2. THE DIRECTOR OF PROSECUTION
DEPARTMENT OF PROSECUTION & GOVERNMENT
LITIGATION HOME DEPARTMENT,
CAUVERY BHAVAN, 6TH FLOOR,
BENGALURU-560 009.

...RESPONDENTS

(BY SRI. ADITYA DIWAKAR , AGA FOR R1 & R2,
SMT. ABHINAYA K.ADVOCATE FOR;
SRI. C.H. HANUMANTHARAYA FOR IMPEADING
APPLICANT ON IA 2/26)

Digitally
signed by
CHAITHRA A
Location:
HIGH
COURT OF
KARNATAKA





THIS WP IS FILED UNDER ARTICLES 226 & 227 OF CONSTITUTION OF INDIA PRAYING TO-SET ASIDE THE IMPUGNED MEMORANDUM BEARING NO. OE/22/PPE/2025(E) DATED 18.11.2025 AT ANNEXURE-G, ISSUED BY RESPONDENT NO.1, CONSEQUENTLY, DIRECT RESPONDENT NO.1 TO RESTORE THE APPOINTMENT OF SPECIAL PUBLIC PROSECUTOR TO CONDUCT SPL.C.C. NO.828/2018 BEFORE THE HON'BLE TRIAL COURT.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned petition is filed seeking to quash the impugned memorandum dated 18.11.2025 vide Annexure-G issued by respondent No.1 and consequently, direct respondent No.1 to restore the appointment of Special Public Prosecutor to conduct Spl.C.C.No.828/2018 before the trial Court.

2. This Court, by order dated 10.03.2026, had unequivocally clarified the scope and role of the Special Public Prosecutor appointed at the instance of the complainant and had specifically directed that such Special



Public Prosecutor be permitted to address arguments before the trial Court. The tenor and substance of the said order left no manner of doubt that the participation of the Special Public Prosecutor was not merely ornamental, but substantive and in addition to the role discharged by the Public Prosecutor.

3. Notwithstanding the categorical direction issued by this Court, it is brought to the notice of this Court that the learned trial Judge has declined to permit the Special Public Prosecutor to address arguments on the premise that the Public Prosecutor had already advanced submissions on behalf of the complainant. The reasoning assigned by the trial Court is not only misconceived, but runs directly contrary to the express directions issued by this Court. The approach of the trial Court reflects a patent misreading, if not disregard, of the binding order passed by this Court.



4. This Court is constrained to observe that once specific liberty was reserved in favour of the Special Public Prosecutor to address arguments, the trial Court could not have curtailed or nullified such right by resorting to an untenable justification. The distinction between the role of the Public Prosecutor and a Special Public Prosecutor appointed at the instance of the complainant has been completely overlooked. The impugned action of the trial Court, therefore, amounts to a clear infraction of judicial discipline and undermines the authority of orders passed by this Court.

5. The conduct of the trial Court, in not giving effect to the explicit directions issued by this Court, borders on judicial impropriety. Subordinate Courts are bound by the orders of superior Courts, and any deviation therefrom, particularly in the face of unambiguous directions, cannot be countenanced. Such an approach, if permitted, would erode the sanctity of the hierarchical judicial system.



6. At the same time, this Court takes note of the apprehension expressed on behalf of the respondent/accused that the proceedings have been protracted for nearly 15 years. While ensuring compliance with its earlier directions, this Court deems it appropriate to balance the equities by directing that the proceedings are not unnecessarily delayed on account of participation of the Special Public Prosecutor.

7. In that view of the matter, this Court reiterates that the Special Public Prosecutor shall be permitted to address arguments. It is further clarified that the Special Public Prosecutor shall confine himself to advancing arguments without seeking unwarranted adjournments. The right of reply shall also enure to the benefit of the Special Public Prosecutor after the defence concludes its submissions. Both sides shall make all endeavour to conclude their arguments within a stipulated timeframe.



8. With these observations, this Court proceeds to pass the following:

ORDER

(i) The petition is allowed;

(ii) The impugned memorandum dated 18.11.2025 vide Annexure-G issued by respondent No.1 stands quashed;

(iii) Respondent No.1 is directed to forthwith restore the appointment of the Special Public Prosecutor to conduct proceedings in Spl.C.C. No.828/2018 on the file of the trial Court;

(iv) The trial Court is directed to permit the Special Public Prosecutor to address arguments, in terms of the order dated 10.03.2026, and conclude the hearing within a period of two (2) weeks from the date of receipt of this order;

(v) The Special Public Prosecutor shall not seek unnecessary adjournments, and the trial Court shall ensure expeditious disposal of the matter;



(vi) Pending interlocutory applications, if any, stand disposed of.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

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List No.: 2 Sl No.: 34