



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**  
**DATED THIS THE 9<sup>TH</sup> DAY OF JUNE, 2026**  
**BEFORE**  
**THE HON'BLE MR. JUSTICE S RACHAIAH**  
**CRIMINAL APPEAL NO. 2540 OF 2025 (A)**

**BETWEEN:**

SMT RAMALAKSHMAMMA.M  
AGED ABOUT 41 YEARS,  
W/O SRI. V. SRINIVASIAH,  
RESIDENT OF NAGARAHALLI,  
THAYALUR HOBLI,  
MULBAGAL TALUK,  
KOLAR DISTRICT – 563 136.

PRESENTLY R/AT  
NO.90/1, J.P.NAGAR 9<sup>TH</sup> PHASE,  
2<sup>ND</sup> CROSS, 2<sup>ND</sup> BLOCK,  
B.D.A. LAYOUT, AVALAHALLI,  
BENGALURU – 560 062.

...APPELLANT

(BY SRI. VIJAYAKUMAR R., ADVOCATE)

**AND:**

1. STATE BY MULBAGAL POLICE  
STATION, MULBAGAL,  
KOLAR DISTRICT.  
REP BY STATE PUBLIC PROSECUTOR,  
HIGH COURT BUILDING,





BANGALORE – 560 001.

2. NARAYANASWAMY  
S/O VENKATARAVANAPPA,  
AGED ABOUT 48 YEARS,  
R/AT NAGARAHALLI VILLAGE,  
VENKATARAMAPPA BUILDING,  
4<sup>TH</sup> CROSS, BEHIND VYDEHI HOSPITAL,  
NELLURAHALLI WHITEFIELD,  
BENGALURU – 560 066.
3. SUNITHA @ CHINNI  
W/O YATHIRAJU,  
AGED ABOUT 25 YEARS,  
R/AT NO.17, 5<sup>TH</sup> CROSS,  
MUNISWAMAIYA COMPOUND,  
NEAR MARAMMA TEMPLE, AGRAHARA,  
BENGALURU – 560 023.
4. K. MUNIVENKATARAMAIAH,  
S/O A. KRISHNAPPA,  
AGED ABOUT 67 YEARS,  
R/AT DOOLAPALLI VILLAGE,  
MULBAGAL TALUK.  
KOLAR DISTRICT – 563 131.
5. G. PRASAD  
S/O A. GURAPPA,  
AGED ABOUT 55 YEARS,  
R/AT DOOLAPALLI VILLAGE,  
MULBAGAL TALUK.  
KOLAR DISTRICT – 563 131.
6. JETTING SHETTY,  
AGED ABOUT 56 YEARS,  
S/O NOT KNOWN,



MANAGER, SBM,  
SRINIVASAPURA BRANCH,  
KOLAR DISTRICT,  
SBM BRANCH,  
INDUSTRIAL TOWN,  
BELGAUM – 590 006.

...RESPONDENT

(BY SRI. M VA ANOOPKUMAR., HCGP FOR R1;  
R2 TO R6 ARE SERVED AND UNREPRESENTED)

----

THIS CRL.A FILED U/S 378(4) CR.PC (FILED U/S 419(4)  
BNSS) BY THE ADVOCATE FOR THE APPELLANT PRAYING THAT  
THIS HONOURABLE COURT MAY BE PLEASED TO SET ASIDE  
THE JUDGMENT DATED 29.07.2025 PASSED IN  
C.C.NO.836/2015 ACQUITTING THE ACCUSED  
PERSONS/RESPONDENT NOS.2 TO 6 HEREIN AND  
CONSEQUENTLY CONVICT ACCUSED PERSONS/RESPONDENT  
NOS.2 TO 6 FOR THE OFFENCE P/U/S 419, 420, 465, 468 AND  
506 OF IPC AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



## **ORAL JUDGMENT**

1. This appeal is filed by the appellant/complainant being aggrieved by the judgment of acquittal passed by the Trial Court.

2. However, the Hon'ble Supreme Court in ***Celestium Financial Vs. A. Gnanasekaran Etc.***<sup>1</sup>, held in paragraph No.10 as under:

*"10. As already noted, the proviso to Section 372 of the CrPC was inserted in the statute book only with effect from 31.12.2009. The object and reason for such insertion must be realised and must be given its full effect to by a court. In view of the aforesaid discussion, we hold that the victim of an offence has the right to prefer an appeal under the proviso to Section 372 of the CrPC, irrespective of whether he is a complainant or not. Even if the victim of an offence is a complainant, he can still proceed under the proviso to Section 372 and need not advert to sub-section (4) of Section 378 of the Cr.PC."*

---

<sup>1</sup> 2025 SCC Online SC 1320



3. On careful reading of the judgment of the Hon'ble Apex Court *supra*, it is evident that the complainant, being the victim, has to file an appeal against the order of acquittal before the Jurisdictional Sessions Court by invoking Section 372 of the Code of Criminal Procedure, 1973.

4. In view of the law laid down by the Hon'ble Apex Court, in ***Celestium Financial*** case *supra*, the appeal by the complainant against the order of acquittal is not maintainable before this Court. Since this Court has no jurisdiction to decide the appeal on merit, the appeal is transferred to the jurisdictional Appellate Court/Sessions Court.

5. The parties shall appear before the jurisdictional Appellate Court / Sessions Court on **02.07.2026**, without further notice of the concerned Court.

6. The Registry shall transmit the entire appeal papers, including the appeal memo, to the jurisdictional Sessions Court.



7. The learned counsel for the appellant shall have the liberty to carry out the amendment in the cause title and also the provisions thereof.

8. For statistical purposes, this appeal stands *disposed of*. Ordered accordingly.

In view of the disposal of the appeal, pending I.A., if any, does not survive for consideration and the same is also disposed of.

**Sd/-  
(S RACHAIAH)  
JUDGE**

NR  
List No.: 1 Sl No.: 17