



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 26TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO.100146 OF 2026
(482 OF Cr.PC/528 OF BNSS)

BETWEEN:

MANJAYYA @ MANJUNATH
S/O. CHANNABASAYYA CHIKKIMATH,
AGE: 22 YEARS, OCC: FARMER,
R/AT: NEERALAGI VILLAGE,
TQ. SHIGGAON & DIST. HAVERI-581205.

...PETITIONER

(BY SRI GOURISHANKAR H. MOT, ADVOCATE.)

AND:

1. THE STATE OF KARNATAKA,
SHIGGAON POLICE STATION, HAVERI,
REP. BY ITS STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH, AT: DHARWAD-580011.
2. YALLAPPA S/O. CHANNABASAPPA VALIKAR,
AGE: 40 YEARS, OCC: LABOURER,
R/AT: GANGENUR, TQ. SHIGGAON,
DIST. HAVERI-581205.

...RESPONDENTS

(BY SRI DAYANAND SANGRESHI, HCGP FOR R1;
SRI VIJAYKUMAR HIREMATH, ADV. FOR
SRI ALHUSSAIN SHALIBAN, ADV. FOR R2)

THIS CRIMINAL PETITION IS FILED U/S.528 OF
BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, PRAYING TO
MODIFY THE IMPUGNED ORDER DATED 21/11/2025 I.E
ANNEXURE-F PASSED ON APPLICATION AS FILED BY THE
PETITIONER U/S.311 OF CR.P.C PENDING BEFORE COURT OF



ADDITIONAL DISTRICT AND SESSIONS JUDGE FTSC-I, AT HAVERI IN SPL.S.C.NO.25/2024 FOR THE OFFENCE PUNISHABLE U/S.354(D), 366, 376 OF IPC, 1860 AND 4 & 8 OF POCSO ACT, 2012, AND BY ALLOWING THE SAME ABOVE PETITION, IN THE INTEREST OF JUSTICE.

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

CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

This petition is filed by the accused under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023¹, seeking for following relief;

"WHEREFORE, it is most humbly prayed that this Hon'ble Court may be pleased to Modify the impugned order dated 21.11.2025 i.e., ANNEXURE-F passed on application as filed by the petitioner U/Sec 311 of Cr.P.C pending before Hon'ble Court of Additional District and Sessions Judge FTSC-I, at: Haveri in SPL.SC NO.25/2024 for the offence punishable U/Sec.354(D), 366, 376 of IPC, 1860 and 4 & 8 of POCSO Act, 2012, & by allowing the same above petition, in the interest of justice".

¹ Hereinafter referred to as "BNSS, 2023"



2. The accused had filed an application under Section 311 of Cr.P.C. before the learned Sessions Judge, seeking recall of PW-3 for further cross-examination. The learned Sessions Judge allowed the said application, and PW-3 is recalled subject to payment of costs of Rs.10,000/-.

3. Being aggrieved by the imposition of costs of Rs.10,000/-, the accused has preferred the present petition.

4. PW-3 is the victim, and she has already undergone the trauma of trial. The learned counsel for the accused had not cross-examined PW-3 earlier, and now, by filing this application, PW-3 is once again required to attend the Court and face further proceedings. This causes mental agony to PW-3.

5. Therefore, the learned Sessions Judge is justified in imposing costs of Rs.10,000/-. There are no valid grounds to set aside the cost imposed by the learned Sessions Judge. Accordingly, the petition is liable to be dismissed and it is ***dismissed***.



NC: 2026:KHC-D:4806
CRL.P No. 100146 of 2026

In view of the disposal of the petition, pending
I.As, if any, shall also stand disposed of.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE

ASN /CT-AN
List No.: 2 Sl No.: 92