



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 24TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO.101471 OF 2025
(482 OF Cr.PC/528 OF BNSS)

BETWEEN:

SHRI VINAYAK
S/O. CHANDRASHEKHAR GOKAVI,
AGE: 34 YEARS, OCC: PRIVATE,
R/O. OLD HUBLI, ANAND NAGAR ROAD,
EKATA COLONY, OLD HUBLI, HUBBALLI,
DHARWAD CITY, TQ. HUBBALLI,
DIST. DHARWAD-580024.

...PETITIONER

(BY SRI ROSHAN SAHEB CHABBI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
THROUGH OLD HUBLI POLICE STATION,
R/BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH, DHARWAD-580001.
2. SHRI SATEESH S/O. SUDHEENDRA HANAGAL,
AGE: MAJOR, OCC: NIL,
R/O. ANAND NAGAR, OLD HUBLI,
NOW AT: OLD HUBLI, R.M. LOHIYA NAGAR,
TQ. HUBBALLI, DIST. DHARWAD-580030.
3. SHRI MAHESH
S/O. VIRUPAKSHAPPA CHANDARAGI,
AGE: MAJOR, OCC: NIL,



R/O. OLD HUBLI, ANAND NAGAR,
MAYUR NAGAR, TQ. HUBBALLI,
DIST. DHARWAD-580024.

4. SMT. SHANTA
W/O. CHANDRASHEKHAR GOKAVI,
AGE: MAJOR (WRONGLY SHOWN AS 21
YEARS IN FIR), OCC: HOUSE HOLD WORK,
R/O. ANAND NAGAR ROAD,
EKATA COLONY, OLD HUBLI,
HUBBALLI, TQ. HUBBALLI,
DIST. DHARWAD-580024.
5. SHRI SHIVAKUMAR
S/O. CHANDRASHEKHAR GOKAVI,
AGE: 21 YEARS, OCC: PRIVATE,
R/O. OLD HUBLI, ANAND NAGAR ROAD,
EKATA COLONY, OLD HUBLI, HUBBALLI,
DHARWAD CITY, TQ. HUBBALLI,
DIST. DHARWAD-580024.

...RESPONDENTS

(BY SRI ABHISHEK MALIPATIL, HCGP FOR R1;
SRI S. J. NIRMANI AND SRI T. R. PATIL, ADV. FOR R2 & R3;
NOTICE R4 AND R5 ARE SERVED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528
OF THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023,
PRAYING TO QUASH THE IMPUGNED ORDER DATED 04.05.2024
PASSED BY THE I ADDITIONAL DISTRICT AND SESSIONS
JUDGE, DHARWAD, SITTING AT HUBBALLI, IN S.C.NO.74/2018,
THEREBY REJECTING THE APPLICATION DATED 13.10.2022
FILED UNDER SECTION 301(2) OF CR.P.C., BY THE PETITIONER/
COMPLAINANT.

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



CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

The petition is filed by the petitioner/accused under Section 482 of Cr.P.C. praying to quash the proceedings with the following prayer:

"a. Quash the impugned order dated 04/05/2024 passed by the learned I Additional District and Sessions Judge, Dharwad, sitting at Hubballi, in S.C.no.74/2018, thereby rejecting the application dated 13/10/2022 filed u/s 301(2) of Cr.P.C. by the Petitioner/Complainant;

b. Pass any such other order(s) as this Hon'ble Court may deem fit on the facts and circumstances of the case to meet the ends of justice."

2. The complainant has filed an application under Section 301(2) of Cr.P.C. praying to grant permission to assist the Public Prosecutor in conducting the trial. The said application is objected by the accused. The learned Sessions Judge has dismissed the application on the reason that sessions trial would be conducted only by the Public Prosecutor and the complainant cannot conduct a trial in a sessions case. With this reason, the application came to be



rejected. Learned Sessions Judge has placed reliance on the judgment of Hon'ble supreme Court in the case of ***SHIVAKUMAR v. HUKAM CHAND AND ANOTHER¹***.

3. Section 301(2) of Cr.P.C. provides an option for the complainant to give assistance to the Public Prosecutor in conducting the case. Sub-section (2) of Section 301 of Cr.P.C. reads as under:

"(2) If in any such case any private person instructs a pleader to prosecute any person in any Court, the Public Prosecutor or Assistant Public Prosecutor in charge of the case shall conduct the prosecution, and the pleader so instructed shall act therein under the directions of the Public Prosecutor or Assistant Public Prosecutor, and may, with the permission of the Court, submit written arguments after the evidence is closed in the case."

4. In the present case, the complainant has not asked for conducting the trial by engaging his Advocate or Pleader, but the prayer in the application filed by the complainant is that seeking permission to assist the Public Prosecutor in the trial by engaging the services of learned

¹ 1999 SCC(Cri) 1277



Advocate. Therefore, it is not the request made by the complainant to engage an Advocate, who shall conduct the trial, but the learned Sessions Judge has misinterpreted the application and wrongly dismissed the application. Therefore, the application filed by the complainant is liable to be allowed. Thus, the impugned order dated 04.05.2024 is set aside.

5. The application filed on behalf of CWs.1, 6 and 7 under Section 301(2) of Cr.P.C. by the complainant, is hereby allowed and they are permitted to engage any Advocate to assist the Public Prosecutor in conducting the trial. It is made clear that the Advocate engaged by the CWs.1, 6 and 7 shall assist the public prosecutor and shall not conduct trial in the place of Public Prosecutor, but shall assist the public prosecutor only.

6. With the above said observations, the petition is **allowed**. It is submitted that the sessions case is of the year 2018, therefore, the learned Sessions Judge shall



expedite the trial by following the judgments of the Hon'ble Supreme Court in the case of **AKIL @ JAVED VS. STATE OF NCT OF DELHI²** and **STATE OF U.P. VS. SHAMBHU NATH SINGH AND OTHERS³** and shall dispose of the case within a period of nine months from the date of receipt of certified copy of this order.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE

DR /CT-AN
List No.: 2 SI No.: 68

² 2013(7) SCC 125

³ 2001(4) SCC 667