



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL APPEAL NO. 100023 OF 2024 (341(CR.PC)/380(BNSS))

BETWEEN:

1. SHRI. MANJUNATH AMARAPPA HOSAKERA
AGE. 51 YEARS, OCC. BUSINESS
R/O. GANGAVATHI, TQ. GANGAVATHI
DIST. KOPPAL.
 2. SHRI. NATARAJSWAMY S/O. ISHWARIAIAH
AGE. 39 YEARS, OCC. FDC
C/O. GOVERNMENT HIGH SCHOOL,
AGALKERA, TQ AND DIST. KOPPAL.
 3. RUDRAGOUDA S/O. RAMANAGOUDA PATIL
AGE. 61 YEARS, OCC. ASST. EXECUTIVE ENGINEER.
R/O. 19 SECTOR, MUNICIPAL QUARTERS,
NAVANAGAR, BAGALKOT, TQ AND DIST. BAGALKOT.
- ...APPELLANTS
- (BY SRI. B. SHARANABASAWA, ADVOCATE APPELLANT NO.1 AND 3;
SRI. C.R. HIEMATH, ADVOCATE FOR APPELLANT NO.2)

AND:

1. THE STATE OF KARNATAKA
THROUGH PSI, KOPPAL LOKAYUKTA POLICE STATION
R/BY SPL. SPP
HIGH COURT OF KARNATAKA
SPP OFFICE, DHARWAD BENCH, DHARWAD.
2. THE STATE OF KARNATAKA
THROUGH, PSI, KOPPAL POLICE STATION,
REPTD BY SPP, HIGH COURT OF KARNATAKA,
SPP OFFICE, DHARWAD BENCH, DHARWAD,

IMPLEADED R-2 AS PER ORDER OF COURT DATED
07.08.2015.

...RESPONDENTS





(BY SRI. ANIL KALE, ADVOCATE FOR R1)

THIS CRIMINAL APPEAL IS FILED U/S 341 OF CR.P.C., SEEKING TO SET ASIDE THE PORTION OF ORDER DATED 30.05.2014 AT PARAGRAPH NO.4 PASSED BY THE COURT OF PRL. SESSIONS AND SPECIAL JUDGE, KOPPAL IN SPECIAL C.C. (PC) NO.29/2011, FOR THE OFFENCE PUNISHABLE U/S 193 OF IPC.

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

ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE V.SRISHANANDA)

1. Heard Sri B. Sharanabasawa, learned counsel appearing for Sri C.R. Hiremath, learned counsel for appellant Nos. 1 and 3, and Sri Anil Kale, learned counsel for respondent No.2.

2. The affidavit filed is taken on record.

3. The facts, in a nutshell, which are necessary for the disposal of these two appeals, are as under:

4. The appellants are Government servants who acted as shadow witnesses, co-panchas, and complainants, and who did not support the case of the prosecution in respect of the complaint filed by appellant No.1 in Special C.C. (PC) No.29/2011.



5. Therefore, the learned Special Judge, while passing the order of acquittal, directed that action be taken against the appellants for deposing falsely before the Court.

6. The said direction is challenged in the present appeal.

7. Sri B. Sharanabasawa and Sri C.R. Hiremath, learned counsel for the appellants, contend that the appellants have tendered an apology by filing the necessary affidavits and, therefore, the same may be taken on record and the matter may be closed, as the alleged incident relates to the year 2010.

8. Sri Anil Kale, learned counsel appearing for the Lokayukta, submits that if such persons are shown leniency, similarly placed persons may be encouraged to depose falsely before the Court, and therefore, he seeks rejection of the affidavits and dismissal of the appeal.

9. Heard the arguments of both sides.

10. This Court is of the considered opinion that, taking note of the fact that appellant No.3 has retired from service, appellant No.2 has supported the case of the



prosecution to a large extent, and the complainant has turned hostile to the prosecution, registration of a case for perjury at this distance of time would only result in a futile exercise.

11. Accordingly, the affidavits are accepted, and each of the appellants is directed to pay Rs.10,000/- to the State, and the direction to register a case is set aside, would meet the ends of justice.

12. It is further observed that the payment of Rs.10,000/- shall not affect the service conditions of appellant Nos.2 and 3.

ORDER

The appeals stand disposed of by placing the affidavits on record and directing the appellants to pay Rs.10,000/- each to the State on or before **28.02.2026**.

**Sd/-
(V.SRISHANANDA)
JUDGE**

AC
Ct-cmu
LIST NO.: 3 SL NO.: 20