



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 2ND DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL PETITION NO. 102780 OF 2025

(482(CR.PC)/528(BNSS))

BETWEEN:

SRI SOMAPPA S/O MALLAPPA MUDAGALI
AGE 58 YEARS, OCC. RETIRED GOVT SRVANT
R/O. 2ND CROSS, NAGANUR ROAD,
BAILHNGAL, TQ. BAILHONGAL,
DIST. BELAGAVI 590001.

...PETITIONER

(BY SMT. KVAYA C. SHETTAR, ADVOCATE)

AND:

SMT. P. GRACE ROSE
W/O SOMAPPA MALLAPPA MUDAGALI
AGE 54 YEARS, OCC. HOUSEWIFE
R/O. JANATHA COLONY, 1T WARD,
TORANGALLU VILLAGE,
TQ. SANDUR, DIST.BALLARI 583101.

...RESPONDENT

(BY SRI. J. BASAVARAJ, ADVOCATE)

THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.P.C. (U/S. 528 OF BNSS, 2023) SEEKING TO SETTING ASIDE THE ORDER DATED 15.04.2025 PASSED BY THE CIVIL JUDGE AND JMFC, SANDUR IN CRIMINAL MISC NO. 284/2018 AND ALLOW THE APPLICATION FILED BY THE PETITIONER U/SEC. 275(1) OF THE CR.P.C. R/W 151 OF CPC AND PERMIT THE PETITIONER TO TENDER HIS CROSS EXAMINATION THROUGH VIDEO CONFERENCING IN THE INTEREST OF JUSTICE.

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





ORAL ORDER

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

1. Heard Smt.Kavya C. Shettar, learned counsel for the petitioner and Sri.J.Basavaraj, learned counsel for respondent.

2. The petitioner has approached this Court seeking to set aside the order passed by the learned Trial Magistrate, whereby the petitioner was directed to offer himself for cross-examination in person instead of through video conferencing.

3. The petitioner apprehends a threat to his life and, therefore, filed an application seeking permission to offer himself for cross-examination through video conferencing. The learned Trial Magistrate rejected the said application.

4. The proceedings are under Section 125 of the of the Criminal Procedure Code (for short, 'the Cr.P.C.'). Therefore, issues relating to identification and such other aspects are not required to be taken into consideration in a



matter of this nature, more so when the facility of video conferencing has been made available and relevant rules have been framed.

5. Accordingly, the approach adopted by the learned Trial Magistrate in dismissing the application is incorrect.

6. The learned counsel for the respondent has no objection to the application being allowed.

7. Taking note of the Video Conferencing Rules in force, the impugned order is hereby set aside and the following order is passed:

ORDER

- i. The petition is ***allowed***.
- ii. Consequently, the impugned order dated 15.04.2025 passed by the Hon'ble Civil Judge and JMFC, Sandur in Crl.Misc.Nol.284/2018 is hereby set aside.



iii. The application filed by the petitioner before the Trial Magistrate is allowed, and the petitioner is permitted to offer himself for cross-examination through video conferencing facility, in accordance with law and the trial shall be expedited.

Ordered accordingly.

Sd/-
(V.SRISHANANDA)
JUDGE

AC
CT-CMU
LIST NO.: 3 SL NO.: 41