



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.102236 OF 2023
(482 OF Cr.PC/528 OF BNSS)

BETWEEN:

SHRI JAYANAND S/O. BABURAO JADHAV,
AGE: 60 YEARS, OCC: CHAIRMAN OF BEERESHWAR
CO-OP. SOCIETY LTD., EXAMBA (MULTI-STATE)
AND AGRICULTURE, R/O. EXAMBA,
TQ. CHIKODI, DIST. BELAGAVI-591201.

...PETITIONER

(BY SRI SHIVRAJ S. BALLOLI, ADVOCATE.)

AND:

THE STATE OF KARNATAKA,
THROUGH SADALAGA POLICE STATION,
REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH, DHARWAD-580001.

...RESPONDENT

(BY SRI ABHISHEK MALIPATIL, HCGP)

THIS CRIMINAL PETITION FILED UNDER SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, 1973, PRAYING TO QUASH THE IMPUGNED ORDER DATED 22/12/2022 PASSED IN C.C.NO.544/2021 BY THE I ADDITIONAL CIVIL JUDGE AND JMFC, CHIKODI ON IA FILED BY THE PETITIONER UNDER SECTION 457 OF THE CODE OF CRIMINAL PROCEDURE, 1973 AND ETC.

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 under Section 482 of the Code of Criminal Procedure, 1973¹/Section 528 of the Bharatiya Nagarika Suraksha Sanhita, 2023², by the petitioner with the following prayer:

"Wherefore in the light of the above, this Hon'ble Court may be pleased to:-

a. Quash the impugned order dated 21/12/2022 passed in C.C.No.544/2021, by the learned I Additional Civil Judge and JMFC, Chikodi on IA filed by the petitioner under Section 457 of the Code of Criminal Procedure, 1973;

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 brief case of the prosecution is that the seized materials are gold and silver ornaments and were the subject of theft by the accused. During the course of investigation, the Police apprehended the accused and seized gold and silver ornaments, but by that time they had been melted. Therefore,

¹ Hereinafter referred to as the 'Cr.P.C.'

² Hereinafter referred to as the 'BNSS, 2023'



the gold and silver ornaments were seized in a melted condition. Thereafter, the petitioner has filed an application under Section 457 of Cr.P.C. seeking to release of interim custody of the seized gold and silver ornaments. The said application was allowed on 24.03.2021. It was observed that the alleged gold and silver ornaments were melted by the accused and were seized in that condition in the presence of panchas. Upon the application filed by the petitioner under Section 457 of Cr.P.C., the Trial Judge has allowed the application with some conditions and one of which was that the petitioner shall not change the nature of the property and produce the same before the Court and investigation officer whenever called for do so.

3. The petitioner has filed an application for relaxation of condition and permission to change the nature of the released articles and the same was dismissed vide the impugned order dated 22.12.2022.

4. Learned counsel for the petitioner contended that the said seized articles are now required for the purpose of celebration of jatra and for the deity in the temple. Therefore, the petitioner desires to make ornaments for the deity for the



celebration of jatra and hence, prays for permission to change the nature of the seized articles.

5. Learned HCGP submitted that if the seized articles are changed in its nature, then it would be difficult for the panchas to identify the goods that were seized and in such an event, there would not be a fair trial, as the panchas may not be able to identify the seized goods. Therefore, prays to dismiss the petition.

6. As per the prosecution case, the gold and silver ornaments were stolen by the accused. During investigation, the same were recovered, but by that time, the accused have melted the ornaments. In such a melted condition, the ornaments were seized in the presence of panchas. Thereafter, upon the application filed by the petitioner under Section 457 of Cr.P.C., the seized articles were handed over to the interim custody of the petitioner. The application for relaxation of condition filed by the petitioner was dismissed. If the seized articles of gold and silver ornaments are changed in its nature, then the panchas, in whose presence the articles were seized, are not able to identify the seized goods, and in such an event, the trial would become



dwindled. Therefore, when the trial is pending and seized goods are changed in its nature, then there would not be possible for the panchas to identify them, and in such an event, there would not be a fair trial. Hence, the learned Trial Judge was correct in dismissing the application. Accordingly, the petition is ***dismissed.***

7. The Trial Court is directed to expedite trial and conclude the same within a period of six months from the date of receipt of a copy of this order.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE