



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 200006 OF 2026

(378(Cr.PC)/419(BNSS))

BETWEEN:

THE STATE OF KARNATAKA
THROUGH INDI POLICE STATION
VIJAYAPURA
DISTRICT VIJAYAPURA-586101.
REPRESENTED BY
ADDITIONAL STATE PUBLIC PROSECUTOR

...APPELLANT

(BY SRI. JAMADAR SHAHABUDDIN, HCGP)

AND:

1. RAHUL S/O VITTAL RATHOD
AGED ABOUT 22 YEARS
OCC: EDUCATION, R/O KESARAL TANDA
TQ: INDI, DIST: VIJAYAPURA-586101.
2. ANAND S/O DHANAPPA PAWAR
AGED ABOUT 23 YEARS, OCC: MASON
R/O KESARAL TANDA, TQ: INDI
DIST: VIJAYAPURA-586101.
3. VIJAY S/O BABU RATHOD
AGED ABOUT 22 YEARS, OCC: DRIVER
R/O KEB TANDA INID, TQ: INDI
DIST: VIJAYAPURA-586101.

...RESPONDENTS





THIS CRL.A IS FILED U/SEC. 419(1) AND 3(3) OF BNSS (NEW) U/SEC. 378 (1) AND (3) OF THE CR.P.C (OLD) PRAYING TO A) GRANT LEAVE TO APPEAL AGAINST THE JUDGMENT AN ORDER DATED 12.06.2023 PASSED BY THE ADDITIONAL SESSIONS JUDGE FAST TRACK SPECIAL Court-I AT VIJAYAPURA, IN SPL. CASE (POCSO) NO.3/2022, THEREBY ACQUITTING THE ACCUSED/RESPONENT FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 366, 366-A, 343, 504 AND 506 R/W SEC.149 OF INDIAN PENAL CODE, 1860 (IPC) AND SECTION 12 OF THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT 2012 (POCSO ACT, 2012); B) SET ASIDE THE JUDGMENT AND ORDER DATED 12.06.2023 PASSED BY THE ADDITIONAL SESSIONS JUDGE FAST TRACK SPECIAL COURT-I AT VIJAYAPURA, IN SPL.CASE (POCSO) NO.3/2022 THEREBY ACQUITTING THE RESPONENT-ACCUSED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 366, 366-A, 343, 504 AND 506 R/W SEC.149 OF INIAN PENAL COE, 1860 (IPC) AND SECTION 12 OF THE PROTECTION OF CHILDRE FROM SEXUAL OFFENCES ACT 2012 (POCSO ACT,2012) AND ETC.

THIS APPEAL, COMING ON FOR HEARING ON I.A, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

Application is filed under Section 5 of the Limitation Act, 1963 to condone the delay of 834 days in filing the criminal appeal.

2. This application is supported with the affidavit of Mr.Pradeep S. Bhise, in which he has stated that he is working as a Police Inspector, Town Police Station, Indi.



He knows the facts of the case through records and he has been authorized and competent to swear to this affidavit seeking for condonation of delay in filing this appeal.

3. The impugned judgment was passed on 12.06.2023. The copy of the judgment was applied on 13.06.2023 and the said copy was kept ready on 26.06.2023 and the same was obtained on 26.06.2023. Thereafter, the Public Prosecutor has given an opinion that the said case is fit to prefer an appeal.

4. The said judgment and the opinion of the Prosecutor were forwarded to the Director of Prosecution, who, after verifying the records, gave an opinion on 31.07.2023 that the case is fit for filing an appeal. The said opinion was sent to Government. The Home Department, after verifying the entire records, have passed the Government Order No.DPN:VJP:569:2023, Bengaluru dated 11.09.2023 for preferring this appeal. Thereafter, on 20.09.2023, the G.O. has been sent to the



office of the Additional State Public Prosecutor, High Court of Karnataka, Kalaburagi Bench, Kalaburagi.

5. Thereafter, the records were given to the Government Pleader for drafting the same. Few records were not legible. Hence, through telephonically it was intimated to the concerned officer to furnish the legible copies. Thereafter, after obtaining required records, the same was placed before the High Court Government Pleader. Immediately, the criminal appeal has been preferred after going through the entire records. It is further submitted that there is a delay in filing criminal appeal. The delay is neither intentional nor deliberate, the same is bona fide. The State has got a good case on merits and is likely to succeed in the above appeal. On all these grounds, he prays to allow the application.

6. I have examined the material placed before this Court.



7. The Trial Court has passed the judgment on 12.06.2023. The copy applied for on 13.06.2023. The copy was delivered on 26.06.2023. The appellant has not placed any material to substantiate the contents of the affidavit. That there is no sufficient cause to condone the abnormal delay of 834 days. Hence, I.A.No.1/2026 is dismissed. Consequently, the Criminal Appeal is dismissed.

Sd/-
(G BASAVARAJA)
JUDGE

TIN/RSP
List No.: 1 Sl No.: 21
CT: BH