



IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH
DATED THIS THE 27TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE G BASAVARAJA
CRIMINAL PETITION NO. 200163 OF 2026
(482(Cr.PC)/528(BNSS))

BETWEEN:

SRI. NINGAPPA MANNUR
S/O SHIVAYOGEPPA MANNUR
AGE: 34 YEARS, OCC: PSI BEMALKHEDA
R/O BEMALKHEDA POLICE STATION
TQ: CHITGOPPA, DIST: BIDAR

...PETITIONER

(BY SRI. GANESH NAIK., ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH HALLIKHED-B POLICE STATION
TQ: HUMNABAD DIST: BIDAR
IT'S PREPRESENTED BY ADDL. SPP
HIGH COURT OF KARNATAKA
KALABURAGI BENCH
DIST: KALABURAGI-585103

...RESPONDENT

(BY SRI.JAMADAR SHAHABUDDIN, HCGP)

THIS CRL.P FILED U/S.482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW), PRAYING TO A) QUASH THE IMPUGNED ORDER DATED 06.05.2025 PASSED BY THE II ADDL. DISTRICT AND SESSIONS JUDGE, BASAVAKALYAN DIST. BIDAR IN SPL.C NO.5017/2021, INsofar AS IT PERTAINING TO THE IMPOSITION OF A FINE OF RS.25,000/- TO THE PETITIONER/ (CW-34).

Digitally signed by
SHIVALEELA
DATTA TRAYA UDAGI
Location: HIGH
COURT OF
KARNATAKA



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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL ORDER

The petitioner has filed this petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking following relief's:

"Wherefore it is most humbly and respectfully prayed that this Hon'ble Court may be pleased to:

- a) *Quash the impugned order dated 06.05.2025 passed by the II Addl. District and Sessions Judge, Basavakalyan, Dist: Bidar, in Spl.C.No.5017/2021, insofar as it pertaining to the imposition of a fine of Rs.25,000/- to the petitioner/CW.34.*
- b) *Pass such other order or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice and equity."*

2. The brief facts leading to this petition are that: the Hallikhed police have submitted the charge sheet against the accused for the commission of offence under Sections 20(A)(B), 25 of NDPS Act. The case was registered in Spl.C.No.5017/2021. The application was



filed under Section 227 of Cr.P.C. by the accused, the same was rejected. The charges were framed against the accused for the alleged offences and the trial Court has recorded the evidence of witnesses. The statement under Section 313 of Cr.P.C. was also recorded. On 08.04.2025, the trial Court has observed that the Investigating Officer has not complied Section 52(A) of NDPS Act. Accordingly, show cause notice was issue issued to CW.34 to appear and explain with regard to the defective investigation conducted in this case. On 05.05.2025, the petitioner was present and sought time for explanation. On 06.05.2025, CW.34, present before the Court and sought apology for not sending inventory samples to the FSL Department, due to lack of procedure and he acted on oral advice of the Higher Officer. Hence, the trial Court has passed an order directing CW.34 to pay a fine of Rs.25,000/- and draft the proceedings against CW.34. Being aggrieved by the said order, the petitioner has preferred this petition.



3. Heard the learned counsel for the petitioner and the learned High Court Government Pleader for the respondent - State.

4. Learned counsel appearing on behalf of the petitioner would submit that the impugned order is illegal, arbitrary, perverse, and passed without proper application of judicial mind to the facts and circumstances on record. Further, it is submitted that, the learned Sessions Judge failed to peruse and appreciate the statement of CW-26 and the FSL acknowledgment bearing Ref: FSL/CS/1141/2020, which are part of the charge sheet records. This documentary evidence unequivocally establishes that the mandatory requirement of sending samples for chemical examination was duly fulfilled at the initial stage of the investigation. The impugned order unfairly holds the Petitioner, CW-34, liable for an alleged procedural lapse, completely ignoring the fact that the primary investigation, including the seizure, registration of the FIR, and dispatch of contraband to the FSL, was



conducted by CW-33. The Petitioner only took over the investigation at a later stage, and he cannot be vicariously held liable for the acts of his predecessor, especially when the predecessor had acted in accordance with the law. The learned Sessions Judge failed to consider that CW-33, the officer who could have clarified the entire sequence of events, was unfortunately deceased and had been dropped from the witness list. Penalizing the Petitioner in the absence of the primary officer is unjust and contrary to the principles of natural justice. The apology tendered by the Petitioner before the learned Sessions Judge was under a mistaken apprehension of facts and due to the pressure of the court proceedings. It cannot be construed as an admission of guilt, particularly when the record itself exonerates him and demonstrates that the necessary procedures were, in fact, followed. An admission on a point of law or a mistaken admission on facts is not binding and same cannot form the sole basis for a punitive order. The trial court has no jurisdiction under the Code of



Criminal Procedure, 1973, or the NDPS Act to conduct a summary inquiry against an Investigating Officer and impose a fine for alleged defects in the investigation, Such an action is punitive and encroaches upon the administrative and disciplinary domain of the police department. The role of the court is to adjudicate the guilt or innocence of the accused based on the evidence adduced and not to penalize the investigators. The impugned order amounts to a manifest abuse of the process of the court. The power of a court cannot be used for punitive measures against police officers for which a separate administrative and disciplinary mechanism exists. The correct judicial approach, as established by long-standing precedent, would be to record the court's displeasure or findings regarding the defective investigation in the judgment and forward a copy to the superior police authorities, such as the Superintendent of Police or the Director General of Police, for their consideration and for initiating appropriate departmental



action. The learned Sessions Judge has failed to appreciate that the alleged non-compliance with Section 52(A) of the NDPS Act is only, a procedural irregularity. As held in various pronouncements, including by the Hon'ble Supreme Court in cases like ***Bharat Aambale v. State of Chhattisgarh***, such procedural lapses do not automatically vitiate the entire proceedings nor do they create a cause of action for penalizing the investigating officer, especially when the lapse was not shown to be deliberate or actuated by malice. The order is passed in violation of the principles of natural justice. While a show-cause notice was ostensibly issued, the summary procedure adopted to impose a substantial monetary penalty is unjust and improper. The Petitioner is not an accused before the court, and subjecting him to a punitive order without a proper inquiry is contrary to law. The explanation and unconditional apology tendered by the Petitioner were summarily brushed aside without due consideration. The learned Sessions Judge has failed to



cite any legal provision, precedent, or source of power that justifies the imposition of such a fine. An order that affects the rights of an individual, particularly a punitive one, must be founded on a clear and specific provision of law. In the absence of such a legal basis, the order is *coram non judice* and unsustainable. Allowing such orders to stand would set a dangerous precedent and have a chilling effect on the morale and functioning of the police force. Investigating officers would be deterred from conducting investigations freely and fairly under the constant threat of being personally penalized by trial courts for unintentional procedural errors. This would ultimately undermine the administration of criminal justice. The judiciary's role is to be a neutral arbiter, not a disciplinary authority for the police. The learned Sessions Judge has conflated the judicial function of trial adjudication with an administrative function of departmental supervision. The court has travelled beyond its defined role under the constitutional scheme and the Code of Criminal Procedure. The principles



laid down by the Hon'ble Supreme Court in State of Haryana Bhajan Lal implicitly caution against such overreach which amounts to an abuse of the court's process. That, the Apex Court in the case ***of Union of India v. Mohanlal & Anr.*** has laid down guidelines regarding the procedure under Section 52A of the NDPS Act. While the procedure is mandatory, the consequence of any alleged non-compliance is a matter for appreciation of evidence during the trial to determine its impact on the prosecution's case against the accused. It does not empower the court to summarily punish the Investigating Officer. The observation of the learned Sessions Judge that the purpose of issuing summons to the remaining witnesses would not survive is a premature determination on the merits of the case. This finding has foreclosed the prosecution's right to lead evidence and has caused irreparable prejudice to the case of the State, which is against the established principles of criminal jurisprudence. The impugned order, if allowed to stand,



would set a dangerous precedent, demoralizing police officers who perform their duties diligently. It would subject them to summary penalties without a proper inquiry, which is not the legislative intent of the NDPS Act or the Cr.P.C.

5. Though this petitioner is arrayed as a witness-CW.34, he was not examined before the Court. The Trial Court has not provided an opportunity to CW.34 to come to the witness box and depose his evidence with regard to the compliance of Section 52(A) of NDPS Act. Before imposing fine of Rs.25,000/- the trial Court has not provided any opportunity to this petitioner as to the imposition of fine of Rs.25,000/-. The learned trial Judge has no right to impose fine of Rs.25,000/- to the witness CW.34 for non-compliance of Section 52(A) of NDPS Act. The Trial Court has not followed any procedure before imposing fine of Rs.25,000/-. Even the Trial Court has not mentioned on which provision of law, the fine amount of Rs.25,000/- is imposed to CW.34. Viewed from any angle,



the impugned order passed by the trial Court against the present petitioner is not sustainable under law. Hence, I proceed to pass the following:

ORDER

- (a) The Criminal Petition is ***allowed***.
- (b) The impugned order dated 06.02.2025 passed in Spl.C.No.5017/2021 by the II Addl. District and Sessions Judge, Basavakalyan, Dist: Bidar, insofar as it pertains to the imposition of fine of Rs.25,000/- to the petitioner-CW.34 is set aside.
- (c) The trial Court is directed to refund the fine amount, if deposited in favour of the petitioner-CW.34.

Registry is directed to send the copy of this order to the trial Court.

**Sd/-
(G BASAVARAJA)
JUDGE**