



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL REVISION PETITION NO. 200025 OF 2026

(397(Cr.PC)/438(BNSS))

BETWEEN:

SHRI. ASHOK S/O HANAMANTAPPA HOSALE
AGE: 53 YEARS, OCC: PAINTER
R/O KARDIYAL, TQ: BHALKI
DIST: BIDAR

...PETITIONER

(BY SRI. SHARANABASAPPA M PATIL, ADVOCATE)

AND:

THE STATE OF KARNATAKA
R/BY SPL PP LOKAYUKTA KALABURAGI
BENCH-585107.
(THROUGH LOKAYUKTA POLICE STATION
BIDAR)

...RESPONDENT

(BY SRI.GOURISH S. KHASHAMPUR, SPL. COUNSEL)

THIS CRL.RP IS FILED U/SEC. 397 OF CR.P.C (OLD)
U/SEC. 438 OF BNSS (NEW) PRAYING TO QUASH/SET ASIDE
THE IMPUGNED ORDERS DATED 20.01.2026 PASSED BY THE
PRL. DISTRICT AND SESSIONS JUDGE AT BIDAR AND DIRECT
THE BIDAR LOKAYUKTHA PS IN CRIME NO.04/2025 AND TO
RELEASE THE CASH/AMOUNT SEIZED BY THE LOKAYUKTHA P.S
BIDAR, IN FAVOUR OF THE PETITIONER.

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



CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL ORDER

Sri Ashok S/o: Hanamantappa Hosale, the petitioner has filed this petition under Section 438 r/w 442 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking following relief:

"Wherefore, for the reasons stated above amongst others, it is humbly prayed that the Hon'ble Court be pleased to quash/set aside the impugned orders dated 20.01.2026 passed by the Principal District and Sessions Judge at Bidar, and direct the Bidar Lokayuktha P.S. in Crime No.04/2025 and to release the cash/amount seized by the Lokayuktha P.S., Bidar, in favour of petitioner, in the interest of justice and equity."

2. The brief facts of the case are that; the Lokayuta Police have registered a case against one Dulappa Hanumantappa Hosale, the Assistant Director of Agriculture, Aurad in Lokayukta Police Station, Cr.No.04/2025 under Section 13(1)(B) and 13(2) of the Prevention of Corruption Act, 1988. The petitioner is the elder brother of Dulappa Hosale. It is alleged that the AGO



has managed to hide some of valuables and documents in his house as well as in the house of relatives. The Lokayukta Police have seized the amount in question from the house of the petitioner. Hence the petitioner had filed Criminal Misc.No.617/2025 before the Principal District and Sessions Judge, Bidar, which came to be rejected. Being aggrieved by the same, the petitioner preferred this revision petition.

3. To substantiate the contention of the petitioner, the learned counsel for the petitioner relied on the decision of the Hon'ble Supreme Court in the case of ***Sunderbhai Ambalal Desai Vs. State of Gujarat***, reported in ***(2002) 10 SCC 283***.

4. The statement of objection is filed by the respondent-Lokayukta, in which it is stated that the entire case of the petitioner is neither maintainable in law nor on facts. The petitioner has not made out any case for exercise of jurisdiction of this Court under Section 438 r/w 442 of Bharatiya Nagarik Suraksha Sanhita, 2023. Further,



it is submitted that the accused Sri.Dhulappa S/o: Hanumanth Hosale, working as Assistant Director of Agriculture, Aurad (B), resident of House No.8-9-318/1, Siddheshwar Nilaya, Gurunagar Colony, Bidar, has been found in possession of assets disproportionate to his known source of income. Accordingly, a case has been registered on 13.10.2025 by the Bidar Lokayukta Police in Crime No.04/2025 under Section 13(1)(b) r/w 13(2) of the Prevention of Corruption Act, 1988 and subsequently, the raid has been conducted by obtaining search warrant. Pursuant to the registration of the case, searches were conducted at various premises including the residential house of accused at Bidar and his ancestral house situated at Karadiyal Village, Bhalki Taluk, where his parents reside. The matter is presently under investigation. During the search of House No.156 of Karadiyal Village of Bhalki Taluk, an amount of Rs.80,88,000/- was found. This house is the ancestral property of the accused, and the election identity cards of the accused and his wife reflect this



address. The parents of the accused reside in this house, and the accused is the head of the family. The accused and his wife have also purchased lands in Karadiyal Village. During the search of ancestral house, among the seized documents, the following 11 documents are related to the accused Dhulappa, his wife Rani @ Renuka, his brother-in-law Parameshwar and his father-in-law Neelakanth Rao, which are as follows:

- i. D-3 Sale deed No. 11985/18-19 - land purchased in the name of accused's wife.
- ii. D-4 Sale deed No. 6349/22-23 - site purchased in the name of accused's wife.
- iii. D-5 Sale deed No. 5992/17-18 - land in the name of Parameshwar i.e brother-in-law.
- iv. D-6 Sale deed No. 514/12-13 - land in the name of Parameshwar.
- v. D-7 Sale deed No. 850/09-10 - land in the name of father-in-law of accused i.e. Neelakanth Rao.
- vi. D-8 Agreement for sale (Rs. 6,50,000/-) in the name of accused Dhoolappa.
- vii. D-11 Digital Khata (Form 11-B) of site in Karadiyal village in wife's name having bearing no 150600301700120070.
- viii. D-14 RTC and Khata of Survey No. 37/2 of Dhannur (H) village and bank account copy of Corporation Bank, Bidar, in the name of Neelakanth Rao.
- ix. D-15 Kubota tractor insurance cover note No. F1801906 in the name of Neelakanth Rao.



- x. D-21 Tata AIA Life Insurance policy copy in the name of accused.
- xi. D-22 Aadhaar card copy of accused's wife Renuka.

5. The learned Special Counsel appearing for the respondent-Lokayukta has relied on the decision of this Court in the case of ***State of Karnataka Vs. K.Krishna Gowda and Another***, in Criminal Revision Petition No.361/2003 dated 04.10.2005.

6. From this, it is evident that the accused and the Revision Petitioner Ashok and their parents maintain close relations. The accused frequently visits his native village, has purchased lands and sites there and has entered into agreements for property purchase. This establishes a direct connection between the accused and the Karadiyal house. The Revision petitioner who is the brother of accused, has filed the application seeking release of seized cash amounting to Rs.80,88,000/- before the Principal District and Sessions Judge, Bidar in Criminal Miscellaneous No.617/2025, which was rejected on 21.02.2026. The petitioner has filed this revision petition



against the said order. Further, it is submitted that accused is in continuous contact with his native village, frequently visit the premises and has invested in properties therein. Hence, there exists a direct and strong nexus between the accused and the premises from where the cash was seized. During the course of search proceedings, the revision petitioner was repeatedly questioned regarding the ownership and source of the seized cash. However, he categorically stated at that time that the said money did not belong to him. He further failed to furnish any explanation regarding the source of the money. Even, at the time of opening the bag, the revision petitioner claimed that it contained books and was unaware of the presence of cash. The subsequent claim made by the revision petitioner in the present application is therefore an afterthought and lacks credibility. A detailed mahazar was drawn at the time of search and the entire proceedings was videographed. The SD card containing the videography has been submitted before the



Court, thereby lending credibility to the prosecution case. The contention of the revision petitioner that the accused was not residing with his parents since 2002 is false. The accused has consistently shown the Karadiyal village address in official documents such as Aadhaar and other records, thereby establishing his continued association with the said premises. The revision petitioner claimed to have earned the amount through painting work and private employment in Hyderabad and his wife has independent income. However, no material or documentary evidence supporting such claims was shown during the search. The Revision petitioner owns only 2 acres of land and resides in a rented house at Kalaburagi along with children pursuing Engineering Education. In such circumstances, accumulation of such a huge amount is highly improbable. The Revision petitioner has failed to produce any documentary evidence, such as sale agreements, bank transactions, or receipts to substantiate his claim that he received amounts from various persons



including Baburao Veerashetty, Dhanraj Hosale or others. The explanations furnished are inconsistent and lack evidentiary support. The Revision petitioner has failed to provide any satisfactory explanation regarding the source of the seized cash either at the time of search or thereafter. No intimation was given to any competent authority regarding receipt of such a large sum. The material on record clearly indicates that the seized cash belongs to the accused and the revision petitioner is attempting to shield him. The amount was kept for the purpose of purchasing land is not supported by any material. The story appears to be a fabricated one, created after registration of the case with an intention to mislead the investigation. At Annexures-C and D to this petition, the petitioner has annexed the bills of which he had received after selling the gold ornaments in shop. The dates of bill annexed by the petitioner at Annexure-C are between 01.10.2025 to 10.10.2025 and the invoice Number between 500-530, which shows that bills are only



created for the purpose of this petition and further at Annexure-D, petitioner has annexed the invoice of gold and silver from the jewelers. The invoices are created for the purpose of this application as the invoice dates clearly shows that they are consecutive but are shuffled and annexed to this petition. The dates of the annexed invoices are between 03.05.2025 to 07.05.2025, 10.06.2025 and 12.06.2025, 04.08.2025 to 09.08.2025, 27.09.2025 and 02.10.2025 and 07.10.2025. Further it is submitted that at Annexure-F, the petitioner has annexed the bank account statement of one Dhanraj, which only shows the number of transaction from 22.12.2023 to 06.10.2025 and only the major transactions are made till 29.04.2025 and raid has been conducted on 14.10.2025 and in these transactions are mere cash withdrawal and does not make any case for the petitioner that one Dhanraj has given his whole pension benefits to petitioner, this account statement has been annexed to mislead the Court. Further it is submitted that the claim amount said



to be sourced from pension benefits or from relatives is not supported by any documentary evidence. No agreements or bank transactions have been produced. The claim appears to be false and an attempt to secure the seized money. It is equally settled law that the in matters involving corruption cases, the same is treated to be violative of Human Rights as held by the Hon'ble Supreme Court in ***Dr. Subramanian Swamy Vs. Dr. Manmohan Singh*** reported in ***AIR 2012 SC 1185***. Hence, it is submitted that the present case is not fit for grant of any relief to the petitioner. Further, it is submitted that the petitioner has raised the disputed questions of fact which are to be decided only after full pledged trial. That being the case, the present case is not one for exercise of any jurisdiction under Section 438 r/w 442 of Bharatiya Nagarika Suraksha Sanhita, 2023. Further, it is submitted that under Section 20 of the Prevention of Corruption Act, the presumption is against the accused. Once, the presumption is against the accused, it is for the accused to



establish that he was innocent, by leading rebuttal evidence before the trial Court. Therefore, the present case deserves to be tried before the trial Court. On these grounds, sought for dismissal of the petition.

7. I have heard the arguments of the learned counsel for the petitioner and also learned Spl. Counsel for Lokayukta.

8. I have perused the materials placed before this Court.

9. On the basis of the complaint of Babasaheb, the Police Inspector, Karnataka Lokayukta Police Station, Bidar, the case was registered against the accused Dhulappa S/o: Hanamanth Hosale, Assistant Director of Agriculture, Aurad, for the commission of offence under Section 13(1)(B) and Section 13(2) of the Prevention of Corruption Act, 1988. On 14.10.2025, the Lokayukta Police have searched the house of Dhulappa S/o: Hanamanth Hosale, his parents and also the brother of



accused Ashok in House No.156 of Karadiyal Village, Tq: Bhalki, Dist: Bidar. In view of the mahazar, the Investigating Officer has seized 23 documents and also cash of Rs.80,88,000/-. The petitioner has produced the tax invoice issued by Shri Dhanalakshmi Digwal Jewellers Manohar Jewellers and the petitioner has also produced the pension payment order issued by the Principal Accountant General (A and E), Karnataka, Bengaluru, pertaining to the Assistant teacher Shri.Dhanraj. The Trial Court in paragraph Nos.7 and 8 has observed as follows:

"7. Point No.1: I have carefully gone through the grounds urged by the petitioner in his petition. It is the contention of the petitioner that he had kept some cash for the purpose of purchasing agricultural land. He has further contended that some part of amount belongs to the brother of petitioner by name Shivraj and his wife Jyothi. It is further contended that some part of amount belongs to brother of petitioner who has retired from service and he has received the same as pensionary benefit.

8. The grounds urged by the petitioner in his petition does not inspire the confidence of the court. The petitioner has failed to produce any document to show that the seized amount legally belongs to him. The counsel for petitioner has produced certain attested copies of receipts belonging to M/s Shri. Dhanalaxmi Digwal Jewelers which were dated between 01.10.2025 to 10.10.2025. The said



receipts seems to be created only for the purpose of submitting before the court. The said receipts does not inspire the confidence of the court. There is no reason for brothers of petitioner to keep hefty amount in the house of the petitioner. The reasons assigned by the petitioner for the purpose of releasing the amount to his name seems to be unnatural and does not inspire confidence of the court. Apart from it the petitioner has not produced any sale deed to show that recently the lands have been sold and cash has been kept in the house. For all the reasons stated supra it can be said that the petitioner has failed to make out reasonable grounds to allow the petitioner. Hence, I answer point No.1 in Negative."

10. The present revision petitioner claimed that the seized amount was on the basis of the bills issued by Shri Dhanalakshmi Digwal Jewellers and Manohar Jewellers. Whether the petitioner had kept this cash for purchasing of agricultural land requires investigation. At this stage, on the basis of the grounds urged by the petitioner, it is not just and proper to express any opinion with regard to the genuineness of the bills and account statement produced by the petitioner. Hence, the trial Court has properly appreciated the materials on record and passed the impugned order. I do not find any grounds to interfere



with the impugned order passed by the trial Court.
Accordingly, I proceed to pass the following:

ORDER

The Revision Petition is ***dismissed***.

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