



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 201464 OF 2026 (GM-RES)

BETWEEN:

MR ANUP AYILLIATH @ ANUP
S/O ARAVINDAKSHAN,
AGED ABOUT 49 YEARS,
R/AT K1203, PURVA VENEZIA,
YELAHANKA, NEW TOWN,
BANGALORE-560064

...PETITIONER

(BY SRI. S GURU PRASANNA, ADVOCATE)

AND:



1. STATE OF KARNATAKA
REPRESENTED BY STATION BAZAR,
POLICE STATION,
KALBURGI-585101,
REPRESENTED BY SPP
2. UDAY SHANKAR SHETTY
S/O SUBASHCHANDRA SHETTY,
AGED ABOUT 58 YEARS,
MANAGING PARTNER,
M/S SHETTY CONSTRUCTIONS,
R/A FLAT NO. 148,



BAGHYAVANTHI NAGAR,
NEAR SUN INTERNATIONAL HOTEL,
JEEVARGI ROAD, GULBARGA 585102

...RESPONDENTS

(SRI. SHESHADRI JAISHANKAR M., AGA FOR R1)

THIS WRIT PETITION is FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO, (A) ISSUE A WRIT OF MANDAMUS TO EXPEDITIOUSLY CONCLUDE THE TRAIL IN CC 1139/2013 PENDING ON THE FILE OF THE PRINCIPAL CIVIL JUDGE AND JMFC, KALABURAGI WITHIN THE OUTER LIMIT OF 03(THREE) MONTHS, ETC.,

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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

1. The accused is before this Court in this writ petition filed under Article 226 of the Constitution of India, seeking a writ of mandamus directing the Court of Principal Civil Judge & JMFC Court, Kalaburagi, to expeditiously conclude the trial in C.C.No.1139/2013 and dispose of the case within an outer limit of three months.

2. Heard the learned counsel for the petitioner and the learned Additional Government Advocate on behalf of respondent No.1.



3. Notice to respondent No.2 is dispensed with, since no relief is sought as against him.

4. Learned counsel for the petitioner submits that, the charge-sheet has been filed in the present case against three persons for the offences punishable under Sections 419, 420, 468, 471, 109 read with Section 34 of IPC, and accused Nos.2 and 3 have been discharged by the trial Court. He submits that, though the petitioner has been co-operating before the trial Court, there is no progress in the trial and pendency of the case has been causing untold hardship to the petitioner. Accordingly, he prays to allow the petition.

5. Per contra, learned Additional Government Advocate submits that, the delay in the trial was for the reason that, the accused persons had filed applications before the trial Court seeking their discharge and they also had approached this Court with a prayer to quash the proceedings against them.



6. Be that as it may be, the fact remains that the criminal case is pending as against the petitioner for the last nearly 14 years. In normal circumstances, a writ of mandamus shall not lie against the trial Court, directing the said Court to dispose of the case expeditiously or within a time frame.

7. In the present case, considering the age of the case, I am of the opinion that, if the petition is disposed of with a request to the trial Court to expedite the trial and dispose of the case at the earliest the same would meet the ends of justice.

8. Accordingly, the writ petition is disposed of with a request to the trial Court to expedite the trial in C.C.No.1139/2013 and dispose of the case on merits as expeditiously as possible.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

Svh/-
List No.: 1 Sl No.: 62