



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 17TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL PETITION NO. 200524 OF 2026

(482(Cr.PC)/528(BNSS))

BETWEEN:

1. SHRI. RAJENDRA
S/O SAMBAHJI GAYAKWAD
AGE: 75 YEARS,
OCCU: RETIRED MILITARY OFFICER
2. SMT. ANITA W/O RAJENDRA GAYAKWAD
AGE: 65 YEARS, OCCU: HOUSEWIFE

BOTH ARE R/O UDAGIR ROAD
NEAR HARIJAN WADA, TQ: AURAD-B
DIST: BIDAR-585326

...PETITIONERS

(BY SRI. SANTOSH KUMAR B BIRADAR., ADVOCATE)

AND:

SANGRAM S/O MADAPPA
AGE: 50 YEARS, OCCU: BUSINESS
R/O AURAD-B, TQ: AURAD B
DIST: BIDAR-585326

...RESPONDENT

THIS CRL.P FILED U/S.482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW), PRAYING TO A) CALL FOR THE RECORDS IN CRIMINAL APPEAL NO.19/2026 PENDING ON THE FILE OF THE LEARNED PRINCIPAL DISTRICT AND SESSIONS JUDGE AT BIDAR; B) ALLOW THE PETITION AND TO QUASH THE IMPUGNED CONDITION IN THE ORDER DATED 19.02.2026, DIRECTING THE PETITIONERS TO DEPOSIT 20% OF THE FINE





AMOUNT (I.E. Rs.1,90,000/-) AS A CONDITION FOR THE SUSPENSION OF SENTENCE, AT ANNEXURE-A AND ETC.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL ORDER

The petitioners have filed this petition under Section 528 of BNSS, 2023, seeking following reliefs:

"a) Call for the records in Criminal Appeal No.19/2026 pending on the file of the learned Principal District and Sessions Judge at Bidar;

b) Allow the petition and to quash the impugned condition in the order dated 19.02.2026, directing the petitioners to deposit 20% of the fine amount (i.e. Rs.1,90,000/-) as a condition for the suspension of sentence, at Annexure-A, and

c) Pass any such other order or orders as this Hon'ble Court deems fit and proper in the interest of justice and equity."

2. That on 19.02.2026 the Prl. Dist. & Sessions Judge, Bidar, has passed the following order:



"The application filed under Section 430 of BNSS is hereby allowed.

Consequently, the sentence passed by the Sr.Civil Judge and JMFC Aurad(B) in CC No.1269/2025 dated 17.01.2026 is stayed till disposal of this appeal subject to deposit of 20% of fine amount imposed by the Trial Court within the next date of hearing.

Issue notice to the respondent and call for trial Court records.

Call on 18.03.2026."

3. Though learned counsel for the petitioners has urged several grounds in the petition, but he has restricted his claim only to the extent of not to disburse the deposited amount to the complainant-respondent herein.

4. Considering the submission made by the learned counsel for the petitioners, I proceed to pass the following:

ORDER

The impugned order passed by the Prl. Dist. & Sessions Judge, Bidar, dated 19.02.2026 is modified as under:

- (1) The petitioners shall deposit 20% of the fine amount imposed by the Trial Court



within four weeks from this day before the Appellate Court.

- (2) After depositing the said amount, the same shall not be disbursed to the complainant-respondent.
- (3) The deposited amount shall be kept in Fixed Deposit in the name of the Court in any Nationalized Bank for a period of 1 year under auto renewal scheme.

In view of the above observations, the petition is ***disposed of.***

The registry is directed to send a copy of this order to the Prl. Dist. & Sessions Court, Bidar.

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

SDU
LIST NO.: 1 SL NO.: 28
CT-BH