



CNR: KAHC030074692026

NC: 2026:KHC-K:5496
CRL.P No. 200956 of 2026

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 20TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

CRIMINAL PETITION NO.200956 OF 2026

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

BETWEEN:

1. KESHAV S/O NARASAPPA,
AGE: 30 YEARS, OCC: AGRICULTURE,
R/O RABBANAKAL,
TQ: MANVI, DIST: RAICHUR-584123.
2. RAMA S/O GURUKAPPA,
AGE 35 YEARS, OCC: AGRICULTURE,
R/O RABBANAKAL,
TQ: MANVI, DIST:RAICHUR-584123.
3. DEVA @ DEVAREDDY S/O KISHTAPPA,
AGE: 28 YEARS, OCC: AGRICULTURE,
R/O RABBANAKAL,
TQ: MANVI, DIST: RAICHUR-584123.
4. RAMESH S/O HANUMAPPA,
AGE: 32 YEARS, OCC: AGRICULTURE,
R/O RABBANAKAL,
TQ: MANVI, DIST: RAICHUR-584123.



...PETITIONERS

(BY SRI SACHIN MADHUKAR MAHAJAN, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY MANVI POLICE STATION,
RAICHUR, BY ITS SHO,



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REPRESENTED BY SPECIAL PP,
HONBLE HIGH COURT OF KARNATAKA,
BENCH AT KALABURAGI-585103.

2. MARISWAMY S/O MAHADEVAPPA MADIGA,
AGE: 65 YEARS, OCC: FARMER,
R/O MADLAPUR, TQ: MANVI,
DIST. RAICHUR, - 584123

...RESPONDENT

(BY SRI MAQBOOL AHMED, HCGP FOR R1;
V/O DT. 20.07.2026, NOTICE TO R2 IS DISPENSED WITH)

THIS CRL.P. IS FILED U/S 528 OF BNSS (NEW), U/S.482 OF CR.P.C.(OLD), PRAYING TO, A) QUASH THE IMPUGNED ORDER DATED 06-07-2026 PASSED BY THE LEARNED PRINCIPAL SESSIONS JUDGE AT RAICHUR IN SC NO. 58/2024 WHEREBY THE APPLICATION FILED UNDER SECTION 254 (3) OF BNSS CORRESPONDING TO SECTION 231(2) OF CR.PC CAME TO BE REJECTED AND B) CONSEQUENTLY, ALLOW THE SAID APPLICATION AND DEFER THE CROSS EXAMINATION OF CW-1, CW-12 AND CW-13 TO CW-18 UNTIL COMPLETION OF THEIR EXAMINATION-IN-CHIEF, OR IN THE ALTERNATIVE REMAND THE MATTER TO THE LEARNED SESSIONS JUDGE FOR FRESH CONSIDERATION IN ACCORDANCE WITH LAW AND IN THE LIGHT OF THE PRINCIPLES LAID DOWN BY THE HONOURABLE SUPREME COURT AND THIS HONOURABLE Court C) PASS SUCH OTHER ORDER OR ORDERS AS THIS HONOURABLE COURT DEEMS FIT IN THE INTEREST OF JUSTICE AND EQUITY.



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

CORAM: HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

ORAL ORDER

Learned counsel for the petitioners is present.
Learned High Court Government Pleader is also present
and he takes notice of the petition on behalf of the
respondent No.1.

2. Heard learned counsel for the petitioners and
learned High Court Government Pleader appearing for
the respondent No.1/State.

3. This petition is filed under Section 528 of the
Bharatiya Nagarik Suraksha Sanhita, 2023 (for short,
'BNSS') by the petitioners, who are the accused No.1 to
4 before the learned trial Court, seeking for an order to
quash the order dated 06.07.2026 of the learned
Principal District and Sessions Judge, Raichur in SC
No.58/2024, wherein the application filed by the



petitioners under Section 254(3) of BNSS corresponding to Section 231(2) of the Criminal Procedure Code (for short, 'Cr.P.C.') came to be rejected.

4. As the point involved in the case is short regarding the legality of the order passed by the trial Court, the notice to the respondent No.2 is dispensed with and with the permission of both the parties, the matter is taken up for final disposal on its merit.

5. The impugned order of the learned trial Court reads as under:

"Accused No.1 and 2 produced from JC.
Remaining accused are present.

Heard both sides on the application filed U/s 231(2) of Cr.P.C. The examination-in-chief of any of the witnesses for the prosecution is not yet recorded. Therefore, question of deferring in the cross examination does not arise. Hence, the present application is pre-matured one and it is not sustainable under law. Therefore, application filed U/s 231(2) of Cr.P.C is rejected.



CNR: KAHC030074692026

Issue summons to CW.1 and 12 R/by
21.07.2026. Till then JC of accused No.1 and 2 is
extended.”

6. The above said order clearly goes to show that
before examining any of the witnesses, the petitioners
being the accused filed an application under Section
231(2) of Cr.P.C. The Trial Court coming to the
conclusion that the said application is premature and
hence, the same is not sustainable in law, rejected the
application.

7. The learned counsel for the petitioner has
relied on the decision of the Co-ordinate Bench of this
Court in the case of **Mr. Ravindra Kumar and Another
Vs. The State of Karnataka Another in Criminal
Petition No.16658/2025** disposed of on **03.02.2026**,
wherein this Court referred to the decision of the
Hon’ble Apex Court in the case of **State of Kerala Vs.
Rasheed** reported in **(2019) 13 SCC 297** and also



referred to the provision of Section 231(2) of Cr.P.C. The Hon'ble Apex Court has held that while deciding an application under Section 231(2) of Cr.P.C., the certain factors must be kept in consideration and two of the factors are that:

"24.1. A detailed case-calendar must be prepared at the commencement of the trial after framing of charges.

24.5 The request for deferral under Section 231(2) CrPC must be preferably made before the preparation of the case-calendar:"

8. This would show that as per the principle of law laid down by the Hon'ble Apex Court, even before commencement of recording of evidence of the witnesses, the accused can make request for deferring cross-examination of any of the witnesses. Therefore, the reasoning of the trial Court in the impugned order that the application is premature, does not stand for consideration in law and also on the facts of the case.



Therefore, on this ground alone, the impugned order is liable to be set aside. Consequently, this petition deserves to be allowed.

9. In the result, I proceed to pass the following:

ORDER

- (i) The Criminal Petition is allowed.
- (ii) Consequently, the order dated 06.07.2026 passed by the learned Principal District and Sessions Judge, Raichur in SC No.58/2024 is hereby set aside.
- (iii) Hence, the application filed under Section 231(2) of Cr.P.C. shall stand allowed accordingly.
- (iv) This order shall be intimated to the concerned Court accordingly with direction to proceed with the matter considering the application as prayed for.

Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE