HC-KAR

NC: 2026:KHC:11284
CRL.P No. 2970 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 2970 OF 2026

BETWEEN:

1. PRAVEEN D @ MADHU @ MADDY
C/O DEVANATH,
AGED ABOUT 29 YEARS,
R/AT NO.842,
16 TH CROSS,
2ND STAGE,
NEAR ANNAMMA PARK,
KUMARASWAMY LAYOUT,
J.P. NAGAR,
BANGALORE SOUTH,
BENGALURU - 560 078

...PETITIONER

(BY SRI. DEEPA V. SHETTY, ADVOCATE FOR
SRI. MOHANKUMAR D., ADVOCATE)

Digitally signed by SANJEEVINI J KARISHETTY
Location: High Court of Karnataka

AND:

1. THE STATE OF KARNATAKA
BY JAYAPRAKASH NAGAR PS,
BENGALURU,
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
HIGH COURT COMPLEX,
BENGALURU - 560 001

2. SRI. RAMESH. N
S/O NANJAPPA REDDY,

AGED ABOUT 48 YEARS,
R/AT NO.3/1,
31ST MAIN ROAD,
BEHIND KUVEMPU NAGAR BUS STAND,
NANJAPPA LAYOUT,
BTM 2ND STAGE,
BENGALURU CITY - 560 076

…RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP FOR R1)

THIS CRL.P. IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONER / ACCUSED NO.14 INITIATED BY THE LEARNED I/C LX ADDL. CITY CIVIL AND SESSIONS JUDGE AT BENGALURU IN S.C NO.1529 OF 2021 FOR THE OFFENCES PUNISHABLE UNDER SECTION 143, 144, 147, 148, 341, 302, 120(B), 427 R/W SECTION 149 OF INDIAN PENAL CODE AND SECTION 3(2) OF THE PREVENTION OF DAMAGE TO PUBLIC PROPERTY ACT, 1984, REGISTERED BY THE RESPONDENT JAYAPRAKASH NAGAR POLICE STATION, BENGALURU CITY IN CRIME NO.0151 OF 2019.

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioner - accused No.14 is now at the doors of this Court calling in question continuance of S.C.No.1529/2021 registered for offences punishable under Sections 143, 144, 147, 148, 341, 302, 120B, 427 read with Section 149 of the IPC and under Section 3(2) of the Prevention of Damage to Public Property Act, 1984.

2. Heard Smt. Deepa V. Shetty, learned counsel appearing for the petitioner, Sri. K. Nageshwarappa, learned HCGP appearing for the respondent No.1 and have perused the material on record.

3. The petitioner-accused No.14 along with several accused get embroiled in a crime in Crime No.151/2019. The police after investigation filed a charge sheet. The petitioner was not available for a trial like few others. The accused who were available for trial were tried and acquitted by an order of Sessions Court dated 30.08.2025. A split charge is drawn against the petitioner, which has now resulted in his continuance of further proceedings. Therefore, the petitioner is

before the Court seeking parity in treatment with the others, who have been acquitted of the offence.

4. Learned counsel, Smt. Deepa V. Shetty, appearing for the petitioner would vehemently contend that the petitioners are alleged of offences of unlawful assembly and murder. The petitioner being accused No.14 and the other accused right from accused No.1 to 13 or even others being acquitted of the offences by the order of the Sessions Court, the petitioner is also entitled to the same relief. Learned counsel further submits that the accused has been taken to judicial custody on account of a split charge being drawn against him.

5. Learned HCGP would however refute the submission contending that the petitioner, who has escaped trial, should not be shown any indulgence. He should also come out clean in a full blown trial like the other accused and would seek dismissal of the petition.

6. I have given my anxious consideration to the respective submissions made by the learned counsel and have perused the material on record.

7. The afore-narrated facts are a matter of record. All the accused are tried in S.C.No.1529/2021. The Court of Session tries the accused, who were available for trial and acquits them on 30.08.2025. The order of acquittal *qua* the other accused is on the following reason:

> "**Appreciation of evidence:**
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> 55. The evidence of PW.60 Dr. S.R. Jagannath, contents of Exs.P.128 and P.130 post mortem reports of the of deceased Varun and deceased Thamma Manja and inquest panchanama marked at Ex.P.26, evidence of PW.5 Raju, PW.8 - Vankatesh and evidence of PW.17 - Venkatesh unequivocally establish death of Varun and Thamma Manja is homicidal in nature. As such point No.1 is taken up for consideration is held in the Affirmative
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> 56. **POINTS No.2 to 7:**
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> The entire case of the prosecution based on circumstantial evidence.
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> 57. The Hon'ble Supreme Court in its Three Bench Judgment reported in **AIR 1952 SC 343 - Hanumant Vs. State of Madhya Pradesh** laid down the mode of evaluation of evidence in a case based on circumstantial evidence. The Hon'ble Supreme Court in its Constitution Bench Judgment reported in **AIR 1960 SC 29 - Govindareddy Vs. State of Mysore**, reiterated the said principles and it is as follows;

"It is well to remember that in cases where the evidence is of a circumstantial nature, the circumstances from which the conclusion of guilt is to be drawn should, in the first instance, be fully established, and all the facts so established should be consistent only with the hypothesis of the guilt of the accused. Again, the circumstances should be of a conclusive nature and tendency and they should be such as to exclude every hypothesis but the one proposed to be proved. In other words, there must be a clear of evidence so far complete as not to leave any reasonable ground for a conclusion consistent with the innocence of the accused and it must be such as to show that within all human probability the act must have been done by the accused".

58. The Hon'ble Supreme Court in its another Three Bench decision reported in **AIR 1984 SC 1622 - Sharad Birdhichand Sarda Vs. State of Maharashtra**, laid down Five golden principals (Panchsheel) in a case based on circumstantial evidence.

(i) The circumstances on which the conclusion of guilt is to be drawn should be fully established.

(ii) The facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that accused is guilty.

(iii) The circumstances should be of a conclusive nature and tendency.

(iv) They should exclude every possible hypothesis except one to be proved, and

(v) There must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.

With this proposition in mind this court proceed to examine evidence available on record to bring home the guilt of the accused.

59. In this case prosecution relied on motive, criminal conspiracy and recovery of incriminating material at the instance of accused.

60. It is the case of the prosecution that, deceased Thamma Manja along with his henchmen committed murder of one Tablet Raghu and assaulted on accused No.14 and case came to be registered in Cr.No.247/2014 on the file of Talaghattapura police station against Thamma Manja and others. That aspect has not been disputed by the accused.

61. Section 10 of the Indian Evidence Act suggests that direct evidence to prove criminal conspiracy is hardly available Only based on the proof circumstances court has to infer conspiracy hatched by the accused. In this case, even though panchanama was drawn in the place where accused hatched criminal conspiracy, panch witnesses to the said panchanama have not supported the drawing of panchanama in the said place. Except the unproved panchanama no evidence is available to prove criminal conspiracy allegedly hatched by the accused to eliminate Thamma Manja in order to avenge the murder of Tablet Raghu, who happens to be the brother of accused No.1 Narendra.

62. Even though, prosecution relied on recovery of incriminating material at the instance of accused, panch witnesses PW.27- Harish, PW.29 - Kishore, PW.30 - Tanveer Hussain, PW.46 - Venkatesh and PW.47 - Anilkumar have not supported the case of prosecution. Prosecution in order to prove the recovery of incriminating material has not relied on electronic evidence i.e., photographs or videographs taken at the time of recovery of material objects.

63. In this case, except police officers and doctor who conducted autopsy, all independent witnesses have not supported the case of prosecution. As such, prosecution fails to prove criminal conspiracy, presence and participation of accused in the crime and recovery of incriminating materials at the instance of accused to prove this case. As such, there is no cogent, coherent or convincing evidence available to bring home the guilt of

> the accused Nos. 1 to 5, 7 to 9, 11 to 13, 15 to 21. Hence, looking to these facts and circumstances, this court is constrained to answer the point Nos.2 to 7 under consideration in the negative."

8. The concerned Court holds that the independent witnesses have not supported the case of the prosecution and the prosecution has miserably failed in driving home the guilt beyond all reasonable doubt. Therefore, the order of acquittal is passed.

9. In the light of the petitioner being accused No.14 and all other accused being acquitted on the score that none of the witnesses have supported the case of the prosecution and prosecution has miserably failed in driving home the guilt beyond all reasonable doubt, the petitioner also become entitled to the benefit of acquittal, as eventually, even if the petitioner is permitted to be tried in the subject S.C.No.1529/2021 would end up in acquittal. Though the accused who escaped trial should not be shown indulgence and a direction should be issued to participate in trial and to come out clean. It is to save precious judicial time, I deem it appropriate to accept the petition and obliterate the proceedings against accused No.14 - the present petitioner.

10. For the aforesaid reasons, the following:

ORDER

(i) The petition is allowed.

(ii) Proceedings in S.C.No.1529/2021 pending before the I/c LX Additional City Civil and Sessions Judge, Bengaluru, stand quashed *qua* the petitioner.

(iii) In the light of quashment of the proceedings, the petitioner gets entitled to be set at liberty.

(iv) Registry shall now communicate to the jail authorities to release the petitioner from prison, in accordance with law.

SD/-
(M.NAGAPRASANNA)
JUDGE

SJK
List No.: 1 Sl No.: 58