HC-KAR

NC: 2026:KHC:37874
CRL.P No. 10259 of 2026

CNR: KAHC010475252026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 10259 OF 2026

BETWEEN:

SRI. RAVI @ GOBI RAVI,
S/O LATE MUNICHINNAPPA,
AGED ABOUT 41 YEARS,
R/AT NO.63, 1ST CROSS,
B. RAMAIAH COLONY, BEHIND MUNESHWARA
TEMPLE, NEAR MURULI TENT,
MUTHYALANAGARA, GOKULA POST,
BENGALURU - 560 054.

...PETITIONER

(BY SRI. PARASHURAM HATTARAKIHAL, ADVOCATE)

AND:

Digitally signed by PADMAVATHI B K
Location: High Court of Karnataka

STATE OF KARNATAKA,
BY YESHWANTHPURA P.S.,
REP. BY SPP,
HIGH COURT BUILDINGS,
BENGALURU-01.

...RESPONDENT

(BY SMT. WAHEEDA M.M, HCGP)

THIS CRL.P IS FILED U/S 482 CR.P.C (U/S 528 BNSS) TO QUASH THE ORDER PASSED BY THE LXV ADDL. CITY CIVIL AND SESSIONS JUDGE (CCH-66), BENGALURU, DATED 15.06.2026 IN SC.NO.759/2016 AS PER ANNEXURE-A AND CONSEQUENTLY ALLOW THE APPLICATION FILED BY THE

PETITIONER U/S 311 OF CR.P.C. AND PERMIT HIM TO FURTHER CROSS EXAMINATION OF CW-33/PW-22 IN SC.NO.759/2016, AS PER ANNEXURE-E.

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

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

ORAL ORDER

The petitioner-accused No.1 is before the Court calling in question an order of the concerned Court which rejects the application filed by the petitioner under section 311 of the Code of Criminal Procedure, seeking further cross-examination of CW-33/PW-22 in S.C.No.759/2016.

2. Heard Sri.Parashuram R Hattarakihal, learned counsel appearing for the petitioner, Smt.Waheeda M.M., learned HCGP appearing for the respondent and have perused the material on record.

3. Facts in brief, germane, are as follows:

3.1. The petitioner gets embroiled in a crime in Crime No.82/2016, for offence punishable under Section 302 of the

IPC-murder. The matter is pending before the Court of Session in S.C.No.759/2016.

3.2. The issue in the *lis* is not with regard to the merit of the matter but the application being rejected. The application is filed by the petitioner under Section 311 of the Code of Criminal Procedure, seeking recall of PW-22 for further cross-examination, that comes to be rejected by the impugned order on the score that the matter is posted for recording of statement under Section 313 of Cr.P.C. The order of the concerned Court reads as follows:

> "Accused No.1 absent. EP filed allowed.
>
> The learned counsel for the accused No.1 has filed the application stating that few important aspects were not questioned during the course of cross examination of PW22 and hence for valid defense, the further cross examination of PW22/ police inspector is necessary and if the application is not allowed, the accused will be put to hardship and irreparable loss. Accordingly prays to allow the application.
>
> On the other hand the Learned PP has filed the objections stating that the application is not maintainable after completion of sec. 313 Cr.P.C., statement and more over the matter is of the year 2016. Accordingly prays to reject the application.
>
> Heard the arguments of both sides.
>
> The point that arise for consideration is:-

Whether reasonable grounds exist to allow the application u/s 311 of Cr.P.C., to recall PW22 police inspector as sought for?

My answer to the above point is as per the following:-

REASONS

As could be seen from the records the alleged offence is u/s.302 of IPC and the evidence of the prosecution was over on 23.01.2026 and it is posted for section 313 Cr.P.C., statement and the application came to be filed on 08.06.2026. The application filed is after long delay and bare averments that some important questions requires to be put to the PW22/I.O cannot be considered as material ground to seek order for further cross examination of PW22. Hence the application is devoid of merits as this is the case of the year 2016. Hence the following:-

ORDER

The application filed u/s.311 of Cr P.C., is hereby rejected.

For sec. 313 Cr.P.C, statement by 25.06.2026."

4. The order though is bereft of reasons, one factor would assume significance is that if the concerned Court has begun recording statement under Section 313 of Cr.P.C, there can be no question of allowing of application under section 311 of Cr.P.C after the procedure under section 313 of Cr.P.C has commenced, but the application ought to have merited consideration in the light of the offence being the one punishable under section 302 of the Indian Penal Code.

5. Therefore, to give one opportunity to the petitioner, I deem it appropriate to allow the application filed with a rider that the petitioner cannot avail any benefit of this order, in the event, recording of statement under Section 313 of Cr.P.C, has begun on or completed.

6. For the aforesaid reasons, the following

O R D E R

[I] Criminal Petition is allowed.

[II] The order dated 15.06.2026 in SC.No.759/2016 passed by LXV Addl. City Civil and Sessions Judge (CCH-66), Bengaluru, stands quashed.

[III] The application filed by the petitioner stands allowed, subject to the condition observed hereinabove.

[IV] The concerned Court shall see that the cross-examination gets completed on a single day and not permit the petitioner to drag the proceedings any further.

Ordered accordingly.

Sd/-
(M.NAGAPRASANNA)
JUDGE

CBC
List No.: 3 Sl No.: 11