HC-KAR

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 7TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO.101597 OF 2026

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

BETWEEN:

1. SOMAPPA @ KOTHI SWAMY S/O. HUSENAPPA,
   AGE. 43 YEARS, OCC. DRIVER,

2. LAKSHMI BAI D/O. SOMAPPA @ KOTHI SWAMY,
   AGE. 38 YEARS, OCC. HOUSE WIFE,

3. GANGADHAR @ GANGYA S/O. THIPPANNA,
   AGE. 34 YEARS, OCC. AGRICULTURE,

4. RAVI S/O. HANUMANTHAPPA,
   AGE. 20 YEARS, OCC. STUDENT,

5. RAJKUMAR @ RAJU S/O. VIRUPANNA,
   AGE. 26 YEARS, OCC. HOME GUARD

   R/O. ALL ARE RESIDENT OF SANGAPURA VILLAGE,
   GANGAVATHI, TQ. KOPPAL, DIST-583227.

...PETITIONERS

(BY SRI. B. ANWAR BASHA, ADVOCATE)

Digitally signed by
CHANDRASHEKAR
LAXMAN KATTIMANI
Location: HIGH COURT
OF KARNATAKA
DHARWAD BENCH
DHARWAD

AND:

1. THE STATE OF KARNATAKA,
   THROUGH GANGAVATHI RURAL POLICE STATION
   REPRESENTED BY ITS STATE PUBLIC PROSECUTOR,
   HIGH COURT OF KARNATAKA, DHARWAD-580001.

2. PARASHURAMA S/O. HANUMANTHAPPA,
   AGE. 26 YEARS, OCC. LABOURER,
   R/O. SANGAPURA GANGAVATHI,
   TQ. KOPPAL DIST-583227.

...RESPONDENTS

(BY SMT. GIRIJA S.HIREMATH, HCGP FOR R1;
NOTICE TO R2 IS DISPENSED WITH)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. (UNDER SECTION 528 OF BNSS, 2023) PRAYING TO QUASH THE ORDER DATED 15.04.2026 IN SC NO.79/2021 ON THE APPLICATION UNDER SECTION 311 OF CR.P.C. CRIME NO.232/2021 BY GANGAVATHI RURAL POLICE PENDING BEFORE ADDL. DIST. AND SESSIONS JUDGE KOPPAL SITTING AT GANGAVATHI FOR THE OFFENCE P/U/SEC. 302, 201, 149 OF IPC IN SO FOR PETITIONERS/A1 TO A5 ARE CONCERNED AND ETC.,.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Learned High Court Government Pleader (HCGP) accepts notice on behalf of respondent No.1. Notice to respondent No.2 is dispensed with.

2. Heard the learned counsel appearing for the petitioners and the learned HCGP for respondent No.1.

3. The petitioners have questioned the order rejecting the petitioners' application to recall PW-19 and PW-20 and to cross-examine them on the premise that the cross-examination which has taken place through video conference was not complete and effective as the network created some issues.

4. It is further submitted that, the further cross-examination of the said witnesses is necessary for complete adjudication of the case.

5. Learned HCGP would oppose the petition on the premise that, the Sessions Court is justified in rejecting the application and sufficient opportunity is given to the petitioners and said witnesses have been cross-examined.

6. The impugned order reads as under:

> *"The application filed under Section 311 of Cr.P.C. by the counsel for the accused No.1 to 5 is hereby rejected."*

7. The order does not disclose the reasons. The Court is of the view that the impugned order has to be set aside for not disclosing the reasons and for that purpose; it has to be remanded for fresh consideration. However, considering the fact that the case is of 2021 and witnesses have already been examined, the Court is of the view that for the reasons stated i.e. the cross-examination is not complete and the cross-examination was not effective because of network issues and also given the fact that the said witnesses are material

witnesses and opportunity should be given to the petitioners to cross-examine the said witnesses subject to petitioners paying cost of ₹5,000/- to the District Legal Services Authority, Koppal.

8. With the above observations, petition is ***allowed***, impugned order is set aside.

9. PW19 and PW20 are recalled to enable the petitioner to cross-examine them.

10. However there cannot be any cross-examination on the matters already covered in the earlier cross-examination.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

CLK
List No.: 1 Sl No.: 38