

(2026) 08 KAR CK 2110

In the Karnataka High Court, Bengaluru Bench

Case No : Criminal Petition No. 9719 of 2026

Mr. Selvakumar U. & Ors.

APPELLANT

Vs

State Of Karnataka & Anr.

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

BNSS, 2023 — Section 348
Cr.P.C — Section 311, 406, 420

Citation : (2026) 08 KAR CK 2110

Hon'ble Judges : M. Nagaprasanna, J

Bench : Single Bench

Advocate : Sri. A D Ramanand, Smt. Waheeda M.M., Sri. Balakrishna M.R.

Final Decision : Allowed

Judgement

Heard Sri. A.D. Ramananda, learned counsel appearing for the petitioners, Smt. Waheeda M.M., learned HCGP appearing for respondent No.1, Sri. Balakrishna M.R., learned counsel appearing for respondent No.2 and have perused the material on record.

2. The petitioners are before the Court calling in question the rejection of an application filed under Section 348 of the BNSS, 2023, which is Section 311 of the earlier regime -the Cr.P.C.

3. The petitioners were before the Court in W.P.No.18272/2025 seeking expeditious disposal of the proceedings in C.C.No.845/2017 pending before the concerned Court. This Court, in terms of its order dated 20.01.2026, passed the following order:

"Petitioner is before this Court seeking expeditious disposal for conclusion of the trial in C.C.No.845/2017.

2. The petitioner is the defacto complainant and the respondents are the accused.

3. The crime comes to be registered in the year 2015 and the charge sheet is filed in the year 2017 in C.C.No.845/2017. The petitioner is now before the Court on this score that

about 17 adjournments already granted for the purpose of cross-examination of the accused and therefore, there has been a cross delay in conclusion of the trial and the offence being once punishable under Section 406 and 420 of Cr.P.C. The dates are also indicated in the petition. If the dates are noticed, it is the concerned Court has shown too much of lenience in granting time after time without rhyme or reason.

4. In that light, I deem it appropriate to direct the concerned Court to conclude the trial within an outer limit of six (6) months from the date of receipt of the copy of this order, if not earlier in accordance with law."

4. The petitioners have filed applications after applications seeking adjournment on one pretext or the other is the allegation of the learned counsel, Sri. Balakrishna M.R., appearing for respondent No.2.

5. Learned counsel appearing for the petitioners at this juncture would restrict their claim only to an application filed seeking summoning of two witnesses, the rejection of which is impugned in the subject petition. The reason for filing of the application is that the very complainant had registered a complaint, which is closed before the concerned Court and is withdrawn pursuant to a settlement arrived at between the parties. Therefore, summoning of those two witnesses would become imperative only to demonstrate that this is a repetition of the earlier proceeding, which had stood closed on settlement arrived at between the parties.

6. In the light of the said circumstance, the concerned Court ought to have permitted fixing a particular day for examination of both the witnesses.

7. Therefore, in that light, despite the vehement opposition of the learned counsel, Sri. Balakrishna M.R., appearing for respondent No.2, I deem it appropriate to permit examination of those two witnesses. The next date of listing of the matter before the concerned Court is said to be on **13.08.2026**.

8. The petitioners shall examine those witnesses on the said date and conclude the examination on the said date itself.

9. It is made clear that the concerned Court shall not adjourn the matter on any ground whatsoever and further petition of this kind before this Court seeking consideration of another application would not be entertained at the hands of this Court.

10. In the light of the said circumstance, the following:

ORDER

(i) Criminal Petition is allowed.

(ii) The order dated 27.06.2026 passed by the III ACJM, Bengaluru in C.C.No.845/2017 stands quashed.

(iii) The subject application stands allowed with the aforesaid observations.

(iv) In the event, the petitioners would not conclude the examination or cross-

examination, as the case would be on the said date, the concerned Court shall proceed to pass necessary orders in accordance with law.

Ordered accordingly.