



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF APRIL, 2025

PRESENT

THE HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR

AND

THE HON'BLE MRS JUSTICE K.S. HEMALEKHA

CRIMINAL APPEAL NO. 1464 OF 2024

Between:

The State by Inspector of Police
State by Kote Police Station,
Shivamogga
Represented by the
State Public Prosecutor,
High Court Building,
Bengaluru – 560001.

...Appellant

(By Sri Vijaya Kumar Majage, SPP-II)

And:

1. Goutham M.,
S/o Manjunatha
Aged about 29 years,
Labourer,
R/o Tank Mohalla, 1st Cross,
Shivamogga Town – 577201.
2. Kiran R.,
S/o Ramchandrappa,
Aged about 27 years,
Car Driver,
R/o Bapuji Nagar, 5th Cross,
Shivamogga – 577201.

Digitally signed
by VEERENDRA
KUMAR M
Location: HIGH
COURT OF
KARNATAKA



3. Prashanth
S/o Basavaraja,
Aged about 27 years,
Labourer,
R/o Chowdeshwari Colony,
Near Railway Fly Over,
Shivamogga - 577201.
4. Nagaraja
S/o Narasimmaiah,
Aged about 40 years,
Driver,
R/o Tank Mohalla, 6th Cross,
Shivamogga Town - 577201
5. Shivaraja, S/o Murthy
Aged about 38 years
R/o Tank Mohalla, 6th cross,
Shivamogga - 577201.
6. Manoj Shekhar
S/o Late Somashekhar,
Aged about 25 years,
R/o Bapujinagara, 8th Cross,
Shivamogga Town - 577201.

...Respondents

(By Sri Bipin B.S., Advocate for
Sri Vinod Kumar M., Advocate for R1 to R6)

This Crl.A is filed u/s.378(1)(3) Cr.P.C praying to 1.grant leave to appeal against the judgment and order of acquittal dated 12.05.2022 passed by the learned Principal District and Sessions Judge, Shivamogga in S.C.No.239/2019 and 3/2020 dated 12.05.2022 for the offence p/u/s 143, 144, 147, 148, 504, 323, 324, 326, 307 r/w 149 of IPC.

This appeal, coming on for orders, this day, judgment was delivered therein as under:

CORAM: HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR
AND
HON'BLE MRS JUSTICE K.S. HEMALEKHA



ORAL JUDGMENT

(PER: HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR)

Heard Sri. Vijaya Kumar Majage, SPP-II and advocate Sri. Bipin B.S., for Sri. Vinod Kumar M., advocate for respondents 1 to 6 on I.A.1/24. There is delay of 652 days in filing the appeal.

2. Perused the affidavit filed along with the application under section 5 of the Limitation Act as per I.A.1/24. Though the affidavit discloses the various dates on which different authorities examined the records to take a decision whether the case is fit to be challenged in the High Court, it is found that the Principal Secretary, Home Department, Bengaluru accorded permission lastly on 08.02.2024 to prefer the appeal. But the appeal was filed on 06.07.2024. There is no explanation from 8.2.2024 to date of filing of the appeal.

3. We have also perused the impugned judgment to examine whether appeal can be admitted taking a lenient view by condoning the delay, but we find that the trial court has discussed the evidence meticulously. The main observation is that the injured was having consciousness; he did not make a



report of the incident to the police. Instead report was filed by PW1. PWs 3 and 4 are the eye witnesses to the incident. They also went to the hospital along with the injured. At that time, the police were very much present. But their statements were not recorded on the same day. Instead their statements was recorded on 23.03.2016. There was a delay of three days in recording the statement of the eye witnesses. Finding many doubtful circumstances, the trial court ultimately acquitted the accused of the charges leveled against the accused. We do not find merit in the appeal also. Therefore we are not inclined to condone the delay. I.A.1/24 is dismissed. Appeal is also dismissed.

Sd/-
(SREENIVAS HARISH KUMAR)
JUDGE

Sd/-
(K.S. HEMALEKHA)
JUDGE

SD
List No.: 1 Sl No.: 5