



CNR: KAHC010033682026

NC: 2026:KHC:52385
CRL.A No. 74 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 74 OF 2026

(341(Cr.PC) / 380(BNSS))

BETWEEN:

1. BALAJI L.
AGED ABOUT 46 YEARS
S/O LATE LOKESHA P.
NO.70/C, SHREYASSU NILAYA
6TH CROSS, JANATHA COLONY
NEAR E.K.MART
HULIMAVU, BENGALURU
KARNATAKA-560 076.
2. GOWRI BALAJI
AGED ABOUT 41 YEARS
W/O BALAJI L.
NO.70/C, SHREYASSU NILAYA
6TH CROSS, JANATHA COLONY
NEAR E.K.MART
HULIMAVU, BENGALURU
KARNATAKA-560 076.

...APPELLANTS

(BY SRI. GANESH K., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY HULIMAVU POLICE STATION

Digitally signed
by GEETHA P
G
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010033682026

NC: 2026:KHC:52385
CRL.A No. 74 of 2026

REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU-560 001.

2. NIRMALA KUMARI
AGED ABOUT 40 YEARS
D/O SHAMBHU SINGH
FLAT NO.401, 4TH FLOOR
SHRAVANTHI WOODS
COCONUT GARDEN
NOBO NAGAR
DODDAKAMMANAHALLI
BENGALURU
KARNATAKA-560 076.

...RESPONDENTS

(BY SRI. K.NAGESHWARAPPA, HCGP FOR R1;
SRI. SATEESH S.KUDTARKAR, ADVOCATE FOR R2)

THIS CRL.A. IS FILED U/S 341 OF CR.P.C. PRAYING TO
SET ASIDE THE ORDER DATED 17.11.2025 IN SC NO.746/2022
PASSED BY LIII ADDL.CITY CIVIL AND SESSIONS SPECIAL
JUDGE, BENGALURU ON APPLICATION FILED BY THE
APPELLANT UNDER SECTION 340 OF CR.P.C., 1973 VIDE
ANNEXURE-A AND CONSEQUENTLY ALLOW THE APPLICATION
FILED BY THE APPELLANT THEREIN.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CNR: KAHC010033682026

NC: 2026:KHC:52385
CRL.A No. 74 of 2026

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

The appellants have preferred this appeal against the order passed by the LIII Additional City Civil and Sessions Special Judge, Bengaluru in S.C.No.746/2022 dated 17.11.2025.

2. In S.C.No.746/2022, respondent no.2 (PW.1) was examined in chief on 16.01.2024 and the matter was thereafter posted for cross-examination on 09.02.2024. On the said date, learned counsel for the appellants sought time for conducting cross-examination. Respondent no.2 submitted that she had traveled from her native place in the State of Jharkhand to Bengaluru for the purpose of adducing evidence and accordingly, sought cost of INR 6000. Appellants paid the said amount in good faith pursuant to the order of trial Court. It is further directed respondent no.2 to produce travel ticket on the next date of hearing. On the next date of hearing, i.e., on 13.03.2024, the complainant/victim filed a memo accompanied by a travel ticket in compliance with the direction issued by the



CNR: KAHC010033682026

trial Court thereby placing on record the material required for the purposes of the judicial proceedings. A copy of the said memo along with the travel ticket is produced herewith and marked as Annexure-B.

3. In light of the prior conduct of respondent no.2 including the ongoing malicious prosecution against the appellants, there rose a reasonable and articulable suspicion that her submission before the Court was false. It is contended by the appellants that, although the travel ticket appeared genuine at first glance, upon careful scrutiny it was found to be fabricated and forged. Upon careful scrutiny using bar code reader application, it was revealed that the original ticket pertained to one Ranjana Jha, aged 57 years, who had traveled on 30.07.2023 from Hatia (HTE) in Third AC (3A), with PNR No.6123216738, in Train No.12835 with transaction ID:100004339912662 at a ticket fair of Rs.1980/-. It is submitted by the appellants that, *prima facie* it is evident that respondent no.2 fabricated a travel document by manipulating the whole ticket replicating the same font, font size and text alignment so as to deceive even an expert. The travel ticket



CNR: KAHC010033682026

along with supporting evidence clearly demonstrates that several fields were altered and manipulated. Upon discovering the aforesaid facts, appellants filed an application under Section 340 of Cr.P.C. accompanied by an affidavit and certificate under Section 65B of Indian Evidence Act, 1872 before the trial Court. The same is produced herein and marked as Annexure-C.

4. Respondent no.2, thereafter, filed her objection to the said application, which is produced herein and marked as Annexure-D. The trial Court has dismissed the said application. Being aggrieved by the said order, the appellants have preferred this appeal.

5. The appellants have urged several grounds in this application. Accused nos.1 and 2 are facing trial pertaining to the offence under Sections 384, 323, 342, 354D, 376, 506 r/w Section 34 IPC. On perusal of order sheet, it is crystal clear that the discharge application filed on behalf of accused no.2 under Section 227 of Cr.P.C. was rejected on 23.03.2023. Charges were framed against the accused under Sections 376, 354D, 342, 323, 506 and 384 read with Section 34 IPC. Trial was



CNR: KAHC010033682026

commenced on 15.04.2023. On 20.07.2023, PW.1 was partly examined in chief. On that day, case was adjourned at the request of learned Public Prosecutor for further examination-in-chief. Then the case was posted to 19.08.2023. That on 19.08.2023, the accused remained absent. EP was filed and same was allowed. PW.1 was absent and hence, NBW was issued against PW.1 and the case was adjourned to 19.09.2023.

6. That on 19.09.2023, accused nos.1 and 2 were present. NBW issued against PW.1 was not executed. Then case was posted to 13.10.2023. That on 13.10.2023, accused and PW.1 were present and bind over as the learned Public Prosecutor sought time on the ground that she has been transferred from the said Court and is in the process of handing over charge to the incoming Public Prosecutor. Further the trial Court has observed that the witness has to come from Jharkhand as such, the Court by considering the request, granted time as prayed for by the witness and the case was posted to 16.11.2023 for further examination-in-chief of PW.1. That on 16.11.2023, accused nos.1 and 2 were present.



CNR: KAHC010033682026

Sri.S.S.K. Advocate filed power and application under Section 311 of Cr.P.C. seeking permission to assist the prosecution. Said application was allowed and the case was posted for further examination-in-chief of PW.1 to 16.12.2023. That on 16.12.2023, accused were present, PW.1 remained absent and NBW was issued against PW.1 and the case was posted to 16.01.2024.

7. That on 16.01.2024, accused were present. PW.1 was present and fully examined in chief. The counsel representing accused nos.1 and 2 prayed time for cross-examination of PW.1 and then case was posted to 09.02.2024. That on 09.02.2024, accused nos.1 and 2 were present, PW.1 was present and bind over as the counsel for the accused prayed time. The case was adjourned on cost of Rs.6,000/- as the witness had to come from Jharkhand. The said amount was paid to the witness and the case was posted for cross-examination of PW.1 to 13.03.2024. That on 13.03.2024, accused nos.1 and 2 were present, PW.1 was present and bind over as Sri.LNK advocate prayed time on the ground that Senior Counsel is not keeping well. As the witness had to come



CNR: KAHC010033682026

from Ranchi and on the last occasion she submitted that she came from Ranchi to Bengaluru by train, she was directed to produce the reservation ticket. Accordingly learned Public Prosecutor filed memo with train ticket to show that PW.1 has to come from Ranchi by train. The witness submitted that she wants to go back to Ranchi and wants some long date as she has to get reservation from Ranchi to Bengaluru in the next date of hearing. Considering the said fact, the trial Court adjourned the case on cost of Rs.3,000/-. Then the case was posted to 25.04.2024 for cross-examination of PW.1.

8. On 25.04.2024, the trial Court has passed the following order:

"Accused No.1 and 2 present.

The Learned Counsel for the Accused filed memo with 2 documents.

Sri. G.K. filed vakalath along with L.N.K.

P.W.1 is present and partly cross examined by Counsel representing the Accused No.1 and 2 and Ex.D.1 to 3 are marked.

The Counsel for Accused persons prays time for further cross examination of P.W.1. The witness submits that, she has to go back to Jharkhand, wherein her parents are staying and she is also staying along with



CNR: KAHC010033682026

her parents. She further submitted that, again she has to come to Bengaluru from Jharkhand for further cross examination. She further submitted that, she will go by flight and also she will come for Bengaluru for further cross examination by flight and the up and down charges of the flight is Rs. 10,000/-. By taking note of the same, the matter is adjourned on cost of Rs.10,000/-. The P.W.1 is directed to produce before the Court flight tickets to show that she travel from Bengaluru to Jharkhand and vise versa, failing which she has to return back the above said cost to the Accused. Subsequently, by considering the overall facts and circumstances of the case the Court will fix the cost by ascertaining the mode of journey by P.W.1. Cost paid.

The P.W. 1 requested the Court go give long date particularly in the month of June, as she has to come from Jharkhand. Call on 19.6.2024."

9. On 19.06.2024, the trial court has passed the following order:

"Accused No.1 and 2 present.

The Learned present and prays time as P.W.1 is not present. Counsel for the Accused present and objects to the same stating that he has already paid Rs.10,000/ towards flight charges and yet the witness is not present. He submits that the witness has played fraud by producing false train ticket on last occasion. He intends to criminally prosecute the witness and hence files application u/s 340 of Cr.P.C. Learned PP prays time to



CNR: KAHC010033682026

file objections. Constable of the concerned PS submits that they have not been able to contact the witness about her appearance today. He prays for reimbursement of cost.

For objections, hearing on 340 application and cross examination of P.W.1. Call on 28.6.2024."

10. On 28.06.2024, cross-examination of PW.1 was recorded and the case was posted for objection to 340 application. Thereafter, PW.1 filed objection to 340 application. On hearing the arguments, Court has passed impugned order.

11. In paragraph no.8 of the impugned order, the trial Court has observed as under:

"8. Point No.1: *In this case, it is contended by the counsel for the Accused in his arguments that the complainant has played fraud on the court and on the Accused by receiving Rs.3,000/- from the Accused by falsely representing that she had come from her native Jharkhand to the court to give evidence in this case. It is contended that the complainant had given a false railway ticket showing that the same was in her name and that she had travelled under the said ticket from her native place to Bengaluru for the purpose of giving evidence before the court. It is contended that the forgery was found out by the counsel for the Accused by using bar code reader. It is contended that on reading bar code*



CNR: KAHC010033682026

available on the said ticket, it was found that the ticket stood in the name of Ranjana Jha and the same has been misused by the complainant in order to take Rs.3,000/- from the Accused. In support of his argument, the Accused has not produced any authenticated documents issued by the railway authorities to show that the complainant/victim had not traveled under the said ticket on the date mentioned in the ticket. There is no document from any expert to show that the railway ticket has been tampered with or that it is a forged document. Without there being any supportive document, merely based on an application filed by the Accused action cannot be taken against the complainant/victim under Section 340 of Cr.P.C. Further, in order to take an action under Section 340(1) of Cr.P.C. as rightly pointed by the counsel for the complainant this court would have to conduct a preliminary inquiry regarding the same give a finding to that effect and then make a complaint to the jurisdictional Magistrate. In the instant case, there are no supporting materials from the concerned department i.e., railways to show that the document has been tampered with or fraud has been played on the court or the Accused. Hence, question of preliminary inquiry does not arise. There are no grounds made out to allow the present application. Hence, Point No.1 is answered in the Negative."



CNR: KAHC010033682026

NC: 2026:KHC:52385
CRL.A No. 74 of 2026

12. On careful examination of the entire materials on record, it is crystal clear that the trial Court has observed that even though the accused have contended that the said ticket is in the name of Ranjana Jha, they have not produced any authenticated document to discard the contents in the ticket. Accordingly, trial Court has dismissed the application. I do not find any legal or factual error in the impugned order passed by the trial Court.

13. Learned counsel appearing on behalf of the appellants has relied on the following decisions:

- i. CHANDRA SHASHI v. ANIL KUMAR VERMA reported in (1994) SUPP. 5 S.C.R.
- ii. PRITISH v. STATE OF MAHARASHTRA reported in (2001) SUPP. 5 S.C.R.

14. In the facts and circumstances of the case, these two decisions are not applicable to the case on hand.

15. Since the appellants have filed this appeal, the matter is dragged for two years as the records were called by this Court. Hence, I proceed to pass the following:



NC: 2026:KHC:52385
CRL.A No. 74 of 2026

CNR: KAHC010033682026

ORDER

- (i) The appeal is ***dismissed***;
- (ii) Registry is directed to return the trial Court records forthwith along with copy of this judgment to the concerned trial Court.

**Sd/-
(G BASAVARAJA)
JUDGE**

PGG
List No.: 1 Sl No.: 15