



CNR: KAHC010174912026

NC: 2026:KHC:53528
CRL.P No. 3744 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

CRIMINAL PETITION NO. 3744 OF 2026 (482(Cr.PC) / 528(BNSS)

BETWEEN:

AZMATHULLA KHAN
S/O REHMATHULLA,
AGED ABOUT 44 YEARS
R/AT NO. 594, 5TH CROSS,
BASAVANAGAR, K G HALLI,
BENGALURU-560 045.

...PETITIONER

(BY SRI. MUZAFFAR AHMED, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY DJ HALLI POLICE STATION
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU – 560 001.
2. THOUHID BIN AHMED
S/O YOUSUF BIN AHMED
AGED ABOUT 34 YEARS,
NO. 03, 1ST FLOOR, 5TH CROSS,
DR. A M C ROAD, BASAVANAGARA,
K.G HALLI,
BENGALURU-560 045.

...RESPONDENTS

(BY SMT. DEEMPTHI ALVA, HCGP FOR R-1
R-2 SERVED)

THIS CRL.P IS FILED U/S 482 CR.P.C (U/S 528 BNSS) PRAYING TO
ALLOW THE PRESENT CRL.P. AND SET ASIDE THE ORDER DTD
17.12.2025 PASSED IN SC.NO.1234/2014 BY THE LEARNED LXIII ADDL.
CITY CIVIL AND SESSIONS COURT, AT BENGALURU (CCH-64).

Digitally
signed by
VANISHA S
Location:
High Court
of Karnataka



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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

This petition by accused No.2 in S.C.No.1234/2014 is directed against the impugned order dated 17.12.2025 passed by the LXIII Addl. City Civil and Sessions Court, at Bengaluru (CCH-64) (for short "the Trial Court"), whereby the application filed by the petitioner and accused Nos.3, 5 and 10 to recall PWs.1, 3, 4, and 17 (Investigating Officer) for further cross-examination was dismissed by the Trial Court.

2. Heard learned counsel for the petitioner and learned HCGP for respondent No.1 and perused the material on record.

3. Learned counsel for the petitioner submits that the petitioner would restrict their claim for cross-examination of only PWs-1, 3 and 4 and would give up their claim in so far as further cross-examination of PW-17 is concerned.

4. The said submission is placed on record.



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5. A perusal of the material on record will indicate that in the first instance, the petitioners having been convicted by the Trial Court for offences punishable under Section 302 IPC, the petitioners approached this Court in Criminal Appeal No.1203/2025, which was allowed by this Court and the matter was remitted back to the Sessions Court for reconsideration afresh and in accordance with law. After remand, the petitioner and co-accused Nos.3, 5 and 10 filed the instant application seeking recalling of PWs.1, 3, 4 and 17, which was opposed by the respondent-Prosecution culminating in the impugned order passed by the Sessions Court, which ejected the application filed by accused No.2, who is before this Court by way of the present petition.

6. Learned counsel for the petitioner submits that the further cross-examination of PWs-1, 3 and 4 is extremely vital and crucial for the purpose of enabling the petitioner to establish his defence and certain important questions have been left out in the earlier cross-examination of these three witnesses, as a result of which the petitioner intends to further cross-examine the aforesaid three witnesses and as such, the impugned order may be set aside



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and one more opportunity may be provided to the petitioner-accused No.2 to further cross-examine PWs-1, 3 and 4. It is also submitted that the petitioner would abide by the terms and conditions to be imposed by this Court and would complete the cross-examination of PWs-1, 3 and 4 on any date to be fixed by the Trial Court.

7. Per contra, learned HCGP for respondent No.1 submits that there is no merit in the petition and that the same is liable to be dismissed.

8. A perusal of the material on record will indicate that though the proceedings are of the year 2014 and the order of remand does not grant any liberty in favour of the petitioner to further cross-examine PWs-1, 3 and 4, having regard to the specific submission made by the learned counsel for the petitioner that if one more opportunity is provided and subject to the terms and conditions to be imposed by this Court, the petitioner would complete the cross-examination of PWs-1, 3 and 4, without taking any adjournments, I deem it just and appropriate to adopt a justice



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oriented approach and set aside the impugned order and allow the application filed by the petitioner by imposing certain conditions.

9. In the result, I pass the following:

ORDER

- i) The petition is hereby allowed.
- ii) The impugned order dated 17.12.2025 passed in S.C.No.1234/2014 by the LXIII Addl. City Civil and Sessions Judge, Bengaluru (CCH-74), in so far as it relates to rejecting the prayer of the petitioner-accused No.2 for further cross-examination of PWs-1, 3 and 4 is hereby set aside.
- iii) The application filed by the petitioner-accused No.2 to recall PWs-1, 3 and 4 for further cross-examination is hereby allowed.
- iv) Petitioner-accused No.2 is permitted to further cross-examine PWs-1, 3 and 4 on a date to be fixed by the Trial Court.
- v) The petitioner shall complete further cross-examination of PWs.1, 3 and 4 on a date to be fixed by the Trial Court without taking any adjournment under any circumstances whatsoever.



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- vi) It is made clear that the present order is restricted / limited to only petitioner-accused No.2 and the remaining accused shall not be entitled to further cross-examine PWs-1, 3 & 4.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

BMC
List No.: 1 SI No.: 27