



CNR: KAHC010184022020

NC: 2026:KHC:45754
CRL.RP No. 887 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE VENKATESH NAIK T
CRIMINAL REVISION PETITION NO. 887 OF 2021
(397(CR.PC) / 438(BNSS))

BETWEEN:

STATE BY LOKAYUKTHA POLICE
REP. BY PUBLIC PROSECUTOR
SPECIAL COURT PREVENTION OF
CORRUPTION ACT,
BANGALORE CITY-560001.

...PETITIONER

(BY SRI. K PRASANNA SHETTY., ADVOCATE)

AND:

S SUDARSHAN (DECEASED ACCUSED)

1. SMT VIJAYALAKSHMI
W/O LATE S SUDARSHAN
AGED ABOUT 65 YEARS
HOUSE WIFE
R/ AT NO.646/28, GROUND FLOOR
6TH MAIN, VIJAYANAGARA
BENGALURU-560040.

...RESPONDENT

(BY SRI. NAGARAJ B GADEKAR., ADVOCATE)

THIS CRL.RP IS FILED U/S.397 R/W 401 CR.P.C PRAYING TO SET ASIDE THE ORDER DATED 29.11.2018 AT ANNEXURE-A PASSED BY THE LXXVII ADDITIONAL CITY CIVIL AND SESSIONS COURT AND SPECIAL COURT UNDER PREVENTION OF CORRUPTION ACT, BENGALURU (CCH-78) IN SPL.C.C.NO.230/2004, ALLOWING THE APPLICATION FILED BY THE RESPONDENT U/S 452 AND 457 OF THE CR.P.C. 1973 AND ETC.

Digitally signed
by
NAGARATHNA
M
Location: High
Court of
Karnataka





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

CORAM: HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL ORDER

Heard Sri K. Prasanna Shetty, learned Special Counsel for the petitioner, and Sri Nagaraj B. Gudekar, learned counsel for the respondent.

2. This petition is filed under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C."), seeking to set aside the order dated 29.11.2018 passed in Spl.C.C.No.230/2004 by the learned LXXVII Additional City Civil and Sessions Judge and Special Court under the Prevention of Corruption Act, Bengaluru (CCH-78), whereby the Special Court allowed the application filed by the respondent under Sections 452 and 457 of the Cr.P.C.

3. For the sake of convenience, the parties are referred as per their rankings before the Trial Court.

4. Sri K. Prasanna Shetty, learned Special Counsel for the petitioner-Lokayuktha, contended that the FIR was registered in the year 1996 and the Investigating Officer filed



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the charge sheet in the year 2004. However, during the trial, the accused died and hence, the case against the accused abated. In the meanwhile, the wife of the accused filed an application under Sections 452 and 457 of the Cr.P.C. seeking release of the seized articles and de-freezing of the bank accounts of the applicant's husband and mother-in-law. In turn, the Special Court allowed the application and ordered the release of the articles mentioned in the petition in favour of the applicant, upon furnishing a bank guarantee and an indemnity bond for a sum of Rs.4,50,000/-.

5. It is further contended that the Special Court allowed the application filed by the respondent/applicant for the release of the articles and de-freezing of the bank account, though the applicant had not proved the ownership or source of income, without passing any order under Section 452, which is mandatory. Thus, the applicant failed to establish a *prima facie* case.

6. Learned counsel for the respondent/applicant justified the order passed by the Special Court and contended that, since the case has abated, there is no question of keeping



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the seized articles in the custody of the Lokayukta Police. The learned counsel further contended that, as the application filed by the respondent under Sections 452 and 457 of the Cr.P.C. has been allowed, the petitioner ought to have filed a Criminal Appeal instead of a Criminal revision Petition. Further, there is a delay of more than 400 days in filing the present revision petition. Hence, learned counsel prayed for dismissal of the petition.

7. Perused the material available on record. Admittedly, the case was registered in the year 1996 and the Special Court took cognizance in the year 2004. During the pendency of the trial, the accused died and hence, the case against the accused abated. In the meanwhile, the wife of the accused, i.e., the applicant, filed an application seeking release of the gold articles and de-freezing of the bank accounts of the deceased.

8. The case of the prosecution is that the assets possessed by the accused and his family members were disproportionate to the known sources of income of the accused. Under such circumstances, the Court cannot retain the



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properties for the purpose of confiscation of the articles. The Trial Court was of the opinion that, if the trial had concluded during the lifetime of the accused and the trial Court had come to the conclusion that the assets possessed by the accused were disproportionate to his known sources of income, then the trial Court could have ordered confiscation of the assets in favour of the State and passed suitable orders in that regard.

9. When the said articles were seized from the accused and nobody had raised any rival claim over the same, then, on account of the death of the accused, obviously, his wife or mother, or the applicants, as the case may be, are entitled to the custody of the seized articles. The applicant/respondent, being the legally wedded wife of the accused, is entitled to the custody of the articles mentioned in her application. Therefore, the trial Court rightly allowed the application, directing the respondent to execute an indemnity bond and furnish a bank guarantee, and directed the concerned authority to release the seized articles in favour of the applicant. Hence, the petitioner has not made out any grounds



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to interfere with the order passed by the Special Court.
Accordingly, the Criminal Revision Petition is ***dismissed***.

In view of the disposal of the revision petition, pending
interlocutory applications, if any, shall stand dismissed.

Sd/-
(VENKATESH NAIK T)
JUDGE

AM
List No.: 1 SL No.: 13