



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO. 6019 OF 2026

BETWEEN:

K A SAYYAD ANWAR
S/O ABUSALI,
AGED ABOUT 25 YEARS,
R/A: NO.1-152, KAJOOR HOUSE,
NEAR KAJOOR DARGA,
MITHABAGILU GRAMA,
KILLUR POST, BELTHANGADY TALUK,
D.K. DISTRICT-574 214.

...PETITIONER

(BY SRI. M.R. BALAKRISHNA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY BAJPE POLICE STATION,
MANGALORE, D.K. DISTRICT,
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560 001.
2. REVANNA SIDDAPPA G.
FATHER'S NAME NOT KNOWN,
AGED ABOUT 33 YEARS,
SUB-INSPECTOR OF POLICE (L&O-2),
BAJPE POLICE STATION, MANGALURU,
D.K. DISTRICT-574 142.

...RESPONDENTS

(BY SRI. RAHUL RAI K., HCGP FOR R1)



THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO: (A) CALL FOR THE ENTIRE RECORDS IN CC.NO.1491/2025 FOR THE OFFENCES PUNISHABLE UNDER 303(2), 341(3), 111(2)(b), 111(4) R/W 3(5) OF BNS, 2023; 4, 5 AND 12 OF THE KARNATAKA PREVENTION OF SLAUGHTER AND PRESERVATION OF CATTLE ACT, 2020; AND SECTION 177 OF MOTOR VEHICLES ACT, 1988, WHICH IS NOW PENDING BEFORE THE HON'BLE JMFC VI, MANGALURU, D.K., INITIATED BY THE 1ST RESPONDENT/BAJPE PS; (B) QUASH THE ENTIRE CRIMINAL PROCEEDINGS AGAINST THE PETITIONER/ACCUSED NO.4 IN CC.NO.1491/2025 FOR THE OFFENCES PUNISHABLE UNDER SECTION 303(2), 341(3), 111(2)(b), 111(4) R/W 3(5) OF BNS, 2023; 4, 5 AND 12 OF THE KARNATAKA PREVENTION OF SLAUGHTER AND PRESERVATION OF CATTLE ACT, 2020; AND SECTION 177 OF MOTOR VEHICLES ACT, 1988, WHICH IS NOW PENDING BEFORE THE HON'BLE JMFC VI, MANGALURU, D.K., INITIATED BY THE 1ST RESPONDENT/BAJPE PS

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

This petition is preferred under Section 528 of BNSS, 2023 by accused No.4 in CC No.1491/2025 on the file of the Court of JMFC-IV, Mangaluru D.K., to quash the entire proceedings.

2. Heard the learned counsel for petitioner, learned High Court Government Pleader for the State and perused the material on record.



3. On a credible information received on 28.07.2024 at about 08.35 a.m., the PSI of Bajpe Police Station along with his staff intercepted a white colour Bolero vehicle bearing registration No.KA-04-MS-6341 at about 09.10 a.m., near Gopalakrishna Bhajana Mandir, NH Road, Badaga Yedapadavu, Mangaluru City and found that in the said vehicle the accused were transporting about 700 kgs of cow meat valued at Rs.2,00,000/-. The said Cow meat and the vehicle were seized under a mahazar and a case was registered against 5 named accused and others for the offences punishable under Section 303(2) of BNS 2023, Section 4, 5 and 12 of the Karnataka Prevention of Cow Slaughter and Cattle Prevention Act, 2020.

4. Charge sheet is filed against accused Nos.1 to 6 for the offence punishable under Section 303(2), 341(3), 111(2)(b), 111(4) r/w 3(5) of BNS and Section 4, 5 and 12 of the Karnataka Prevention of Cow Slaughter and



Cattle Prevention Act, 2020 and Section 177 of IMV Act, 1988.

5. The complaint averments disclose that accused Nos.1 and 2 who were in the vehicle were apprehended at the spot and the said accused are alleged to have made a confession about involvement of other accused including the petitioner arraigned as accused No.4 in the FIR.

6. It is alleged by the prosecution that accused Nos.1 and 2 were transporting the cow meat to sell the same to one Faisal. The said accused is arraigned as accused No.5 in the charge sheet. As per charge sheet allegations on 28.07.2024 accused have slaughtered the cows in the house of accused No.3 and then by fixing a fake number plate to the Bolero vehicle, accused Nos.1 and 2 have transported the cow meat to sell it to accused No.5.

7. Admittedly, the petitioner/accused No.4 was not present in the vehicle. According to prosecution, the



vehicle belongs to accused No.1. The material on record reveals that on the confessional statement of accused Nos.1 and 2, petitioner has been arraigned as an accused in this case. According to prosecution, all the accused have slaughtered the cows in the house of accused No.3, however there is no material collected by the prosecution that the petitioner has slaughtered the cow in the house of accused No.3. Only on the basis of the voluntary statement of accused Nos.1 and 2, it appears that the petitioner has been named as an accused in the case.

8. It is relevant to refer to a judgment of the Apex Court in ***Surinder Kumar Khanna v. Intelligence Officer, Director of Revenue Intelligence*** reported in ***(2018) 8 SCC 271***, wherein the Apex Court has held at para 14 as under:

"14. In the present case it is accepted that apart from the aforesaid statements of co-accused there is no material suggesting involvement of the appellant in the crime in question. We are thus left with only one piece of material that is the



confessional statements of the co-accused as stated above. On the touchstone of law laid down by this Court such a confessional statement of a co-accused cannot by itself be taken as a substantive piece of evidence against another co-accused and can at best be used or utilized in order to lend assurance to the Court. In the absence of any substantive evidence it would be inappropriate to base the conviction of the appellant purely on the statements of co-accused. The appellant is therefore entitled to be acquitted of the charges leveled against him. We, therefore, accept this appeal, set aside the orders of conviction and sentence and acquit the appellant. The appellant shall be released forthwith unless his custody is required in connection with any other offence."

9. This Court in Crl.P.No.14185/2025 has quashed the proceedings against accused No.5 on the ground that except the voluntary statement of the co-accused, there are no materials against the said accused. The petitioner also stand on the same footing. The continuation of proceedings against the petitioner is an abuse of process of law. Hence, the criminal proceedings initiated against him deserves to be quashed. Accordingly, the following:



ORDER

Petition is ***allowed***.

The entire proceedings as against petitioner/accused No.4 in C.C.No.1491/2025 pending on the file of JMFC-VI Court, Mangaluru, D.K., are ***quashed***.

I.A.No.2/2026 is disposed of.

**Sd/-
(MOHAMMAD NAWAZ)
JUDGE**

HB
List No.: 1 Sl No.: 7