



CNR: KAHC010281052026

NC: 2026:KHC:39181
CRL.RP No. 656 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL REVISION PETITION NO.656 OF 2026

BETWEEN:

1. SRI. DILIP M.,
S/O MUNIRAJA
AGED ABOUT 32 YEARS
YELAHANKA HOBLI
R/AT NAGADASANAHALLI
RAJANUKUNTE POST,
BENGALURU-560 064.

...PETITIONER

(BY SRI. SUYOG HERELE E., ADVOCATE)

AND:

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

1. THE STATE OF KARNATAKA
THROUGH PEENYA P.S,
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDINGS
BENGALURU-560 001.

...RESPONDENT

(BY SRI. M. DIVAKAR MADDUR, HCGP)

THIS CRL.RP IS FILED UNDER SECTION 397 R/W 401
(FILED U/S.438 R/W SEC.442 BNSS) OF CR.P.C PRAYING TO
ALLOW THE CRIMINAL REVISION PETITION AND SET ASIDE
THE ORDER DATED 16.02.2026 ONLY TO THE EXTENT OF NOT



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DISCHARGING THE PETITIONER FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTIONS 323, 506(B), 507 R/W SECTION 34 OF IPC AND SECTIONS 3 AND 4 OF KARNATAKA PROHIBITION OF EXORBITANT INTEREST ACT 2004, PASSED BY THE LEARNED LXIII ADDL. CITY CIVIL AND SESSIONS JUDGE, IN S.C.NO.260/2023 AND DISCHARGE THE PETITIONER FROM THE ALLEGED OFFENCES PUNISHABLE UNDER SECTIONS 323, 506(B), 507 R/W SECTIONS 34 OF IPC AND SECTIONS 3 AND 4 OF KARNATAKA PROHIBITION OF EXORBITANT INTERST ACT IN S.C.NO.260/2023, PENDING ON THE FILE OF THE LEARNED LXIII ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard learned counsel for the petitioner and learned High Court Government Pleader for the respondent-State.

2. This revision petition is filed against allowing the application in part filed under Section 227 of Cr.P.C. The Trial Court partly allowed the application for discharge in respect of the offence under Sections 364-A. The Trial Court, while



allowing the same, made an observation in paragraph No.11 that on perusal of the material on record, admittedly, name of accused No.4 is not mentioned either in the FIR or in the complaint. On looking into the matter, the complaint is not an encyclopedia. Admittedly, by considering the statement of witnesses, the present accused is arrested by the Police, there is sufficient materials to frame charge and therefore, the accused No.4 is not involved in the present case in abducting C.W.2. But, for the offence punishable under Sections 504, 507 and 506 read with Section 34 of IPC, the accused No.4 was discharged in respect of offence under Section 364-A of IPC only. Hence this revision petition is filed before this Court for the other offences.

3. The main contention of learned counsel appearing for the revision petitioner before this Court is that no iota of evidence before this Court even for invoking the other offence with regard to criminal intimidation and there must be communication between the accused and the victim. The counsel also would submit that the accused has not voluntarily caused hurt to invoke Sections 323 and 506B(ii) of IPC. In the



case on hand, the petitioner was not at all aware that victim was abducted and he has not threatened the victim. Moreover, there is no conversation between the petitioner and victim. The counsel also would contend that, in order to attract Section 34 of IPC, there must be common intention and both should have similar intention and the same was not taken note of by the Trial Court while passing the order allowing the application in part discharging the accused only for the offence under Section 364-A of IPC and committed an error in dismissing the application in respect of other offences.

4. Per contra, the learned High Court Government Pleader for the respondent-State could contend that accused was arrested along with the victim and his car was seized in which car he came to the spot after abducting the victim and all of them taken the victim in a car and made the victim to be there along with them whole night. When the victim was apprehended, accused was also arrested and recovery was made i.e., the car in which the accused came to the spot after abducting the victim and throughout, all of them were there and voluntary statement of the accused was also recorded and



recovery is made. The case of the prosecution is also that having abducted the victim, secured this accused and other accused and caused threat in their presence and made him to loiter along with them whole night and such material is collected by the Investigating Officer during the course of investigation. The Trial Court taken note of the same and allowed the application in part in respect of the offence punishable under Section 364-A of IPC.

5. Having heard learned counsel appearing for the petitioner and the learned High Court Government Pleader for the respondent-State and also on perusal of the material available on record, it is very clear that at the time of abducting C.W.2, this petitioner was not present. But, the statement of victim dated 21.03.2020 is very clear that the victim made the payment of Rs.20,000/-, but not paid what they had paid in the morning to the tune of Rs.50,000/- and having kidnapped the victim, he was taken forcibly to Yelahanka. The victim categorically says that thereafter, two persons came and joined the other accused i.e., accused No.4 as well as another accused-Murali, who came in Mahendra Marazzo car and this



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petitioner came to the spot and joined the other accused in Etios car and both of them were introduced to him that they are big rowdies and made life threat in their presence and he was taken in Mahendra Verito car forcibly and he was made to loiter in the car and he kept quiet. The voluntary statement of the present petitioner is also recorded and his statement is very clear that at the time of apprehending the victim, he was also there along with victim and other accused and his car was also seized at his instance and there is recovery at the instance of this petitioner i.e., the car in which he came and joined the other accused persons. The Trial Court also has to take note of sharing of common intention while committing the offence.

6. Learned counsel appearing for the petitioner would vehemently contend that voluntary statement is not admissible and the said contention cannot be accepted, since there is recovery at the instance of the accused and the same is admissible and when his statement is very clear that his car was seized on 21.03.2020 in the early morning and at that time, victim was also very much present and when all of them were together near Hesaraghatta T.B. Bus Stop, he was



arrested along with victim. When such being the case, at the time of considering the application filed under Section 227 of Cr.P.C., if strong suspicion is found, that itself is enough to proceed against the accused. But, in the case on hand, victim was apprehended when all the accused persons were there together at the time of the incident and recovery is also made at the instance of this accused i.e., car in which he came and joined the other accused persons. But, admittedly, he was not present at the time of abducting the victim and the same was taken note of by the Trial Court while discharging him for the offence punishable under Section 364-A of IPC, question of framing the charge against this petitioner under Section 364-A does not arise and in respect of the other offences are concerned i.e., causing of threat and criminal intimidation, matter requires to be considered before the Trial Court and also for sharing of common intention. Hence, the Trial Court rightly rejected the application in respect of other offences allowing the same in part discharging the accused for the offence under Section 364-A of IPC. At the time of consideration of the application under Section 227 of Cr.P.C., the Court cannot



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conduct any mini trial and has to only look into the material available on record. Hence, I do not find any ground to entertain this revision petition.

Accordingly, revision petition is ***dismissed.***

**Sd/-
(H.P.SANDESH)
JUDGE**

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List No.: 1 Sl No.: 47