



CNR: KAHC010300102024

NC: 2026:KHC:55865
CRL.P No. 5084 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 5084 OF 2024

BETWEEN:

DR. B.H LOKESH
S/O HALAPPA,
AGED ABOUT 55 YEARS,
RESIDING AT JEEVITHA RAKSHA,
NEAR IYYAPPA TEMPLE,
RANGANATHA EXTENSION,
GOPALA EXTENSION,
SHIVAMOGGA-577 202

...PETITIONER

(BY SRI. A.N RADHA KRISHNA, ADVOCATE)

AND:

SMT. THEERTHA C.S
W/O DR. LOKESH B.H,
AGED ABOUT 48 YEARS,
RESIDING AT NO.62,
PUNAVASU, II CROSS,
NEAR J.J APARTMENTS,
MARUTHI LAYOUT,
VIJAYANAGARA,
BENGALURU-560 040

...RESPONDENT

(BY SRI. SANTHOSH KUMAR, H.B, ADVOCATE)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO SET
ASIDE THE ORDER DATED 16.05.2024 PASSED BY THE
LEARNED METROPOLITAN MAGISTRATE, TRAFFIC V COURT,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



**NC: 2026:KHC:55865
CRL.P No. 5084 of 2024**

CNR: KAHC010300102024

BENGALURU IN CRL.MISC.NO.228/2016, CONSEQUENTLY ALLOW THE I.A.NO.6/APPLICATION FILED U/S 311 OF CR.P.C AND RECALL PW.1 AND PERMIT THE PETITIONER TO CROSS EXAMINE THE PW.1.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

In this petition, the petitioner - husband (respondent before the Trial Court) has challenged the order dated 16.05.2024 passed in CrI.Misc.No.228/2016 by the Metropolitan Magistrate, Traffic V Court, Bengaluru, (for short 'the Trial Court'), whereby the Trial Court rejected I.A.No.6 filed by the petitioner under Section 311 of CrI.P.C to recall PW.1 for further cross-examination.

2. Heard the learned counsel for the respective parties.

3. It is contented by the learned counsel for the petitioner - husband that due to some unavoidable circumstances, he was unable to cross-examine PW.1 fully and as such, he filed an application to recall PW.1. Such cross examination is necessary for adjudication of the case. Hence,



CNR: KAHC010300102024

NC: 2026:KHC:55865
CRL.P No. 5084 of 2024

he prays to set-aside the order passed by the Trial Court by allowing the petition.

4. The prayer is opposed by the learned counsel for the respondent - wife on the ground that, despite granting sufficient opportunity to the petitioner - husband to cross-examine PW.1, he failed to do so and filed I.A.No.6 before the Trial Court, without any valid reason. As such, the Trial Court rightly passed the order by rejecting the application, which does not call for any interference at the hands of this Court.

5. I have given my anxious considered to the submission of the learned counsel for the respective parties and perused the application as well as other documents made available before this Court.

6. As could be gathered from records, from the order sheet of the Trial Court it reveal that, despite granting sufficient opportunity to the petitioner - husband, he failed to cross-examine PW.1 fully and on fag-end of the proceedings, he filed I.A.No.6 before the Trial Court. There was no good reason to allow the said application, as such, the Trial Court has rightly



CNR: KAHC010300102024

rejected the application filed by the petitioner - husband. Though there are no sufficient grounds to interfere with the impugned order passed by the Trial Court, in the interest of justice, I am of the considered view that one more final opportunity may be granted to the petitioner - husband to further cross-examine PW.1, subject to payment of reasonable costs. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The order dated 16.05.2024 passed in Crl.Misc.No.228/2016 by the Metropolitan Magistrate, Traffic V Court, Bengaluru, is set aside.
- iii. Consequently, the application filed by the petitioner - husband under Section 311 of Cr.P.C dated 15.03.2024 before the Trial Court is ***allowed*** subject to payment of costs of Rs.2,000/-.
- iv. The PW.1 - Theertha C.S. shall be present before the Trial Court on the next date of hearing i.e., on ***12.10.2026*** and on that day itself the petitioner - husband shall cross examine PW.1 fully after the payment of cost of Rs.2,000/-



**NC: 2026:KHC:55865
CRL.P No. 5084 of 2024**

CNR: KAHC010300102024

to PW.1, failing which, the Trial Court shall post the matter for judgment.

v. The Trial Court is requested to dispose the case at earliest.

vi. Both the parties shall not take any further adjournments.

**Sd/-
(RAJESH RAI K)
JUDGE**

HKV
List No.: 1 Sl No.: 25