



CNR: KAHC010301122026

NC: 2026:KHC:52505-DB
CRL.A No. 777 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE R DEVDAS

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

CRIMINAL APPEAL NO. 777 OF 2026 (A)

BETWEEN:

THE STATE BY INSPECTOR OF POLICE
STATE BY VIJAYANAGARA
POLICE STATION, MYSURU
REPTD. BY THE
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU-560 001.

...APPELLANT

(BY SMT. RASHMI JADHAV, ADDL. SPP)

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by G
SHREERAKSHA
Location: HIGH
COURT OF
KARNATAKA

AND:

1. MADHUSUDAN G.S.
S/O L.SATISH
AGED ABOUT 38 YEARS
R/AT NO 575, 4TH STAGE
VIJAYANAGARA
MYSURU DISTRICT – 570 001.
2. SHRUTHISH KUMAR
S/O GOVINDARAJU
AGED ABOUT 33 YEARS
R/AT NO 11K.M.HUNDI
KADAKOLA POST



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JAYAPURA HOBLI
MYSURU DISTRICT – 570 001.

3. RASHMI D.R.
W/O MANJUNATH K.S.
AGED ABOUT 30 YEARS
NO.610, 13TH MAIN
14TH CROSS, B-BLOCK
3RD STAGE, VIJAYANAGARA
MYSURU CITY-570 001
KARNATAKA.

...RESPONDENTS

(BY SRI HARISH PRABHU S., ADVOCATE FOR R1 & R2;
SRI SRINIVASA D.C., ADVOCATE FOR R3)

THIS CRL.A IS FILED U/S 378(1) AND (3) CR.PC (419(1) AND (3) OF BNSS) BY THE SPP AND CR.PC PRAYING TO SET ASIDE THE ORDER DATED 08.12.2025 PASSED BY THE COURT OF VI ADDL. DISTRICT AND SPECIAL JUDGE AT MYSURU IN SPL.C.NO.239/2023 ACQUITTING THE ACCUSED OF THE OFFENCES P/U/S 120(B), 201, 204, 270, 311, 323, 376, 420, 498A, 504 AND 506 R/W 34 OF THE IPC AND ALSO U/S 3 AND 4 OF DP ACT SECTION 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(2)(v)(va) OF THE ST AND ST ACT AND ETC.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R DEVDAS
and
HON'BLE DR. JUSTICE K.MANMADHA RAO



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ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE R DEVDAS)

This appeal is filed by the State, being aggrieved of the impugned order dated 08th day of December, 2025, passed by the learned VI Additional District and Special Judge, Mysuru, in Special Case No.239/2023 on the application filed by accused Nos.2 and 3 under Section 227 of the Cr.P.C. seeking discharge.

2. Learned District and Special Judge found that the allegation against accused No.2 is that, on 07.03.2019, when the victim had been to the office of accused No.1 at about 12.30 p.m., accused No.2, who was the office boy in the office of accused No.1 gave the victim Mirinda juice to drink. After consuming the juice, the victim lost consciousness and when she regained consciousness, she found herself nude on a bed and accused No.1 was sitting beside her. She later came to know that accused No.1 had sexually abused the victim. It is alleged by the victim that the said incident became



the root cause along with the promise made by accused No.1, to marry the victim and accordingly the victim married accused No.1 on 08.05.2019. Nevertheless, the learned judge found that after the victim married accused No.1 on 08.05.2019, she lodged a complaint only on 02.01.2023 making allegations against accused No.1 that he had physically abused the victim.

3. The learned District Judge therefore found that having regard to the judgment of the Hon'ble Supreme Court in the case of **SAJJAN KUMAR VS. CENTRAL BUREAU OF INVESTIGATION** reported in **(2010) 9 SCC 368** that if on the basis of the material available on record, the Court would form an opinion that the accused might have committed offence, the Court can proceed to frame the charge, though for conviction the conclusion is required to be proved beyond reasonable doubt that the accused has committed the offence. Nevertheless, the Hon'ble Supreme Court had held that when the judge while framing the charges under Section 227 Cr.P.C., has



the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a *prima facie* case against the accused has been made out. The test to determine *prima facie* case would depend upon the facts of each case. At the stage of Sections 227 and 228, the Court is required to evaluate the materials and documents on record with a view to find out if the facts emerging there-from taken at the face value disclose the existence of all the ingredients constituting the alleged offence. For this limited purpose, the Judge has to sift the evidence as it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or the broad probabilities of the case. Accordingly, the learned District Judge, while relying on the principles laid down by the Apex Court, held that since vague allegations are made against accused No.2 and 3, which has got no link with the reasons for the victim lodging a complaint on 02.01.2023 after having married accused No.1 and staying with him



for more than three years, the incident which took place on 07.03.2019, cannot be taken as material sufficient for proceeding against accused persons 2 and 3.

4. Insofar as accused No.3 is concerned, the learned District Judge found that he was working as a Driver to accused No.1 and it has been alleged by victim or complainant that accused No.3 facilitated accused No.1 in evading the process of arrest. Consequently, the learned District Judge proceeded to allow the application filed by accused No.2 and 3 and discharged accused No.2 and 3 from the case. Learned Counsel therefore submits that there is no infirmity that can be found in the impugned order passed by the learned District and Special Judge.

5. Per contra, learned Additional SPP appearing for the appellant-State submitted that there is no denial on the part of accused No.2 that he did offer the juice to the victim on 07.03.2019 and therefore, he is clearly



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guilty of making the victim unconscious only to enable accused No.1 to have physical relationship with the victim. Learned Counsel for respondent No.3/complainant supports the submission made by the learned Additional SPP.

6. Having heard the learned Counsel for respondent No.1 and 2 and learned Additional SPP and learned counsel for respondent No.3/complainant and on perusing the appeal memo, this Court finds that the learned District and Special Judge has considered all relevant information, while considering the application for discharge filed at the hands of accused No.2 and 3. As rightly pointed out by the learned Counsel for respondents No.1 and 2, the only allegation made against accused No.2 is that he offered a cup of juice to the victim on 07.03.2019, when accused No.2 was working as an Office Boy with accused No.1. The complaint has been lodged by the victim on 02.01.2023,



more than 3 years after the said incident dated 07.03.2019. It is also admitted by the victim that she got married to accused No.1 after the said incident dated 07.03.2019. The victim has also given the date of marriage as 08.05.2019. It is therefore clear that the victim had an opportunity to raise a complaint if she was aggrieved of the said incident which took place on 07.03.2019. However, the victim has gone on to marry accused No.1 on 08.05.2019 and has lived with accused No. 1 in marriage for more than 3 years. That being the position, we do not find any infirmity in the decision taken by the learned District and Special Judge to discharge accused No.2 and 3 from the case. Insofar as accused No.3 is concerned, there is no specific allegation of his involvement in the case, except that he was a driver working for accused No.1.

7. We also find that in terms of the decision of the Hon'ble Supreme Court which was considered by the



learned District and Special Judge, the learned Judge was duty bound to apply his mind, at the stage of passing an order on the application filed under Sections 227 and 228 of Cr.PC. At that stage if such an application is filed by the accused persons seeking discharge, it is the bounden duty of the learned District Judge to have considered the application to find out whether there was any case made out against such accused persons, on going through the evidence, *prima facie* find out whether there is any material that would prove the involvement of the accused persons in the crime.

8. Having regard to the allegations made by the victim in the complaint as against accused No.2 and 3, the learned District and Special Judge rightly arrived at the conclusion that there was no material evidence even to consider proceeding with the case as against accused No.2 and 3.



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9. Accordingly, since we are not convinced of any case made out by the appellant-State for admission, we proceed to dismiss the appeal. Hence, the following:

ORDER

- (i) Admission declined. Consequently, the Criminal Appeal stands dismissed.
- (ii) Any observation made during the process of this judgment shall not prejudice the case of any of the parties before the Trial Court.

**Sd/-
(R DEVDAS)
JUDGE**

**Sd/-
(DR.K.MANMADHA RAO)
JUDGE**