

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF SEPTEMBER, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO.1313 OF 2025

C/W

CRIMINAL APPEAL NO.1180 OF 2025

IN CRL.A NO.1313/2025:

BETWEEN:

1. SYED ABBAS,
AGED ABOUT 35 YEARS,
S/O SYED IMTIYAAZ,
NO.5, M.B.S.MANSON,
15TH CROSS,
GOVINDAPURA, AC POST,
BENGALURU-560045.
2. HABEEB UR REHMAN,
AGED ABOUT 34 YEARS,
S/O ABDUL MAZEED,
R/AT NO.286, 14TH CROSS,
GOVINDAPURA, AC POST,
BENGALURU-560045.
3. PEER PASHA,
AGED ABOUT 37 YEARS,
S/O LATE ABDUL MAZEED,
R/O NO.827/B, 14TH CROSS,
NEAR FARIDA SHOE FACTORY,
GOVINDAPURA MAIN ROAD,
AC POST, BENGALURU-560045.

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by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

4. ZIYA UR REHMAN @ ZIYA,
AGED ABOUT 42 YEARS,
S/O MOHAMMED SAB,
R/O NO.14, 4TH CROSS,
BYARAPPA LAYOUT,
GOVINDAPURA MAIN ROAD,
AC POST, BENGALURU-560045.

5. IMRAN AHMED,
AGED ABOUT 42 YEARS,
S/O ILYAS AHMED,
R/O NO.235, 1ST MAIN ROAD,
4TH CROSS, VINOBA NAGAR,
K.G.HALLI, BENGALURU-560045

PRESENT ADDRESS:
NO.28, 7TH B CROSS,
KAVERI NAGAR, R T NAGAR POST,
BENGALURU-560032.

6. SAMIUDDIN S R @ SAMI,
AGED ABOUT 46 YEARS,
S/O LATE RAFEEQ S.A,
R/O. NO.14, 1ST MAIN 'B' CROSS,
KANAKANAGAR,
BENGALURU NORTH-560032.

PRESENT ADDRESS:
NO.294, 6TH MAIN,
3RD BLOCK, HBR LAYOUT,
BENGALURU-560043.

7. MOHAMMED SIRAJUDDIN,
AGED ABOUT 49 YEARS,
S/O SHAIK MOHIUDDIN,
R/AT NO.436, 6TH CROSS,
MASJID E KHAIR,
VINOBA NAGAR,
BENGALURU NORTH,
ARABIC COLLEGE,
BENGALURU-560045.

8. RUBAH WAQAS,
AGED ABOUT 31 YEARS,

S/O KHALAQ SHARIFF,
R/O NO.26/2, 12TH 'A' CROSS,
SONNAPPA BLOCK,
PILLANNA GARDEN,
3RD STAGE, K.G HALLI,
BENGALURU-560045.

9. SHABBAR KHAN,
AGED ABOUT 40 YEARS,
S/O NAWAB KHAN,
R/O. NO.540/589,
1ST MAIN, 1ST CROSS,
SHAMPUR MAIN ROAD,
COFFEE BOARD 2ND STAGE,
BENGALURU NORTH,
BENGALURU-560045.

PRESENT ADDRESS:
NEAR QUBA MASJID, 3RD CROSS,
NEAR ANWAR LAYOUT, D.J.HALLI,
BENGALURU-560045.

10. SHAIK AJMAL,
AGED ABOUT 37 YEARS,
S/O SHAIK RIYAZ,
R/O.245, 5TH CROSS, BM LAYOUT,
VENKATESHPURA, K.G.HALLI,
BENGALURU-560045.

PRESENT ADDRESS:
D.NO.62, 12TH CROSS,
VINOBHA NAGAR, PILLANNA GARDEN,
K.G. HALLI, BENGALURU-560045.

11. MOHAMMED KALEEM AHMED,
AGED ABOUT 72 YEARS,
S/O MOHAMMED JAFFAR,
PRESENT ADDRESS:
NO.401, 4TH FLOOR,
HONEY ENCLAVE,
NEAR PETROL BUNK,
SHAMPURA ROAD,
GANDHINAGAR,
K.G.HALLI, BENGALURU-560045.

12. NAQEEB PASHA,
AGED ABOUT 33 YEARS,
S/O MOHAMMED RAHAMATHULLA H,
R/O.NO.41, 9TH MAIN,
OPP: KEB PILLANNA GARDEN,
3RD STAGE, BENGALURU (NSUNMDS)-560045.

PRESENT ADDRESS:
D.NO.18, 2ND MAIN, 4TH CROSS,
EZIKAL INDUSTRIAL ESTATE,
K.G. HALLI, BENGALURU-560045.

13. IMRAN AHMED,
AGED ABOUT 40 YEARS,
S/O NAZEER AHMED,
R/AT NO.702, 1ST MAIN,
3RD CROSS 'B' STREET,
VINOBA NAGAR, K.G.HALLI,
ARABIC COLLEGE,
BENGALURU-560045.

14. MOHAMMED AZHAR,
AGED ABOUT 32 YEARS,
S/O MOHAMMED SHAUKAT,
R/AT H.NO.2, 2ND MAIN ROAD,
3RD CROSS, ANWAR LAYOUT,
BENGALURU NORTH-560045.

PRESENT ADDRSS:
NEAR NARENDRA THEATRE,
HBR LAYOUT, BENGALURU-560045

...APPELLANTS

(BY SRI. MOHAMMED TAHIR, ADVOCATE)

AND:

1. NATIONAL INVESTIGATING AGENCY,
MINISTRY OF HOME AFFAIRS,
BRANCH OFFICE, BENGALURU,
NO.3RD FLOOR,
BSNL TELEPHONE EXCHANGE,
HAL 2ND STAGE, INDIRANAGAR,
BENGALURU-560008

REPRESENTED BY ITS
SUPERINTENDENT OF POLICE.

...RESPONDENT

(BY SRI. SACHIN C., ADVOCATE FOR
SRI. PRASANNA KUMAR P., SPECIAL PUBLIC PROSECUTOR)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 21(1) OF NATIONAL INVESTIGATION AGENCY ACT, 2008 PRAYING TO SET ASIDE THE ORDER DATED 21.05.2025 FRAMING CHARGES UNDER SECTIONS 143, 144, 145, 147, 148, 188, 353, 427 AND 435 R/W 149 OF IPC, SECTIONS 16, 18 AND 20 OF UA(P) ACT, 1967 AND SECTION 2 OF THE KARNATAKA PREVENTION OF DESTRUCTION AND LOSS OF PROPERTY ACT, 1981 AT ANNEXURE-A, WHEREIN THE APPELLANTS ARE ARRAYED AS ACCUSED NO.3-6, 8-13, 19 AND 21-23 RESPECTIVELY PENDING IN FILES OF HON'BLE XLIX ADDL. CITY CIVIL AND SESSIONS JUDGE (SPECIAL JUDGE FOR THE TRIAL OF NIA CASES), (CCH-50), BENGALURU.

IN CRL.A NO.1180/2025:

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AGED ABOUT 37 YEARS,
S/O LATE ABDUL MAZEED,
R/O NO.827/B, 14TH CROSS,

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AGED ABOUT 38 YEARS,
S/O MOHAMMED SAB,
R/O NO. 14, 4TH CROSS,
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VINOBA NAGAR,
BENGALURU NORTH,
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BENGALURU-560045.
8. RABAH WAQAS,
AGED ABOUT 31 YEARS,
S/O KHALAQ SHARIFF,
R/O NO.26/2, 12TH 'A' CROSS,
SONNAPPA BLOCK, PILLANNA GARDEN,
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9. SHABBAR KHAN,
AGED ABOUT 40 YEARS,
S/O NAWAB KHAN,
R/AT NEAR QUBA MASJID,
3RD CROSS, NEAR ANWAR LAYOUT,
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S/O MOHAMMED JAFFAR,
PRESENT ADDRESS:
NO.401, 4TH FLOOR,
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R/AT D.NO.18,
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R/AT NO.702, 1ST MAIN,
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AGED ABOUT 32 YEARS,
S/O MOHAMMED SHAUKAT.
R/AT NEAR NARENDRA THEATRE,
HBR LAYOUT, BENGALURU-560045.

15. KAREEM @ SADAM,
AGED ABOUT 28 YEARS,
S/O BASHEER AHAMED,
R/AT NO.7, 2ND CROSS,
KARUMARIYAMMA NAGAR,
VENKATESHPURAM,
BENGALURU-560045.

...APPELLANTS

(BY SRI. MOHAMMED TAHIR, ADVOCATE)

AND:

1. NATIONAL INVESTIGATING AGENCY,
MINISTRY OF HOME AFFAIRS,
BRANCH OFFICE, BENGALURU,
3RD FLOOR, BSNL TELEPHONE EXCHANGE,
HAL 2ND STAGE, INDIRANAGAR,
BENGALURU-560008
REPRESENTED BY ITS
SUPERINTENDENT OF POLICE

...RESPONDENT

(BY SRI. SACHIN C., ADVOCATE FOR
SRI. PRASANNA KUMAR P., SPECIAL PUBLIC PROSECUTOR)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 21(1) OF NATIONAL INVESTIGATION AGENCY ACT 2008, PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 05.08.2024 AT ANNEXURE-A AND APPRECIATE THE DISCHARGE APPLICATION FILED BY THE APPELLANTS BEFORE THE TRIAL COURT SAME AT ANNEXURE-B, CONSEQUENTLY DISCHARGE THE ACCUSED/APPELLANTS FROM SECTIONS 16, 18 AND 20 OF THE UAPA ACT i.e. SCHEDULE OFFENCES, IN SPL.C NO.141/2021 FOR THE OFFENCES PUNISHABLE SECTIONS 120B, 143, 145, 147, 188, 353 AND 427 R/W 34 AND 149 OF IPC, SECTIONS 16, 18 AND 20 OF UA(P) ACT, 1967, AND SECTION 2 OF THE PREVENTION OF DESTRUCTION AND

LOSS OF PROPERTY ACT, 1981, WHEREIN THE APPELLANTS ARE ARRAYED AS ACCUSED NO 3-6, 8-13, 19 AND 21-24 RESPECTIVELY PENDING IN FILES OF HONBLE XLIX ADDL. CITY CIVIL AND SESSIONS JUDGE (SPECIAL JUDGE FOR THE TRIAL OF NIA CASES), (CCH-50), BENGALURU.

THESE APPEALS HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 25.08.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH
and
HON'BLE MR. JUSTICE B.PRAMOD

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE H.P.SANDESH)

Heard the learned counsel for the appellants and the learned Special counsel appearing for the respondent in both the cases.

2. These two appeals are filed challenging the framing of charge and rejection of discharge application, respectively. In Crl.A.No.1313/2025, the appellants have sought the following prayers:

"(a) Call for the records of the Trial Court in Spl.C.No.141/2021, pending on file of Hon'ble XLIX Addl. City Civil and Sessions Judge, (Special Judge for the trial of NIA Cases, (CCH-50), Bengaluru.

- (b) *To set aside the order dated 21.05.2025 framing charges under Sections 143, 144, 145, 147, 148, 188, 353, 427 and 435 read with 149 of IPC, Sections 16, 18 and 20 of UA(P) Act, 1967, and Section 2 of the Karnataka Prevention of Destruction and Loss of Property Act, 1981, at Annexure-A, wherein the appellants are arrayed as accused Nos.3-6, 8-13, 19 and 21-23 respectively pending on file of Hon'ble XLIX Addl. City Civil and Sessions Judge, (Special Judge for the trial of NIA Cases), (CCH-50), Bengaluru, in the interest of justice and equity.*
- (c) *Pass such other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."*

3. In Crl.A.No.1180/2025, the appellants have sought the following prayers:

"To set aside the impugned order dated 05.08.2024 at Annexure-A, and appreciate the discharge application filed by the appellants before the Trial Court same at Annexure-B, consequently discharge the accused/appellants from Sections 16, 18 and 20 of the UAPA Act i.e., schedule offences, in Spl.C.No.141/2021 for the offences punishable Sections 120B, 143, 145, 147, 188, 353 and 427 read with 34 and 149 of IPC, Sections 16, 18 and 20

of UA(P) Act, 1967, and Section 2 of the Prevention of Destruction and Loss of Property Act, 1981, wherein the appellants are arrayed as accused Nos.3-6, 8-13, 19 and 21-24 respectively pending on file of Hon'ble XLIX Addl. City Civil and Sessions Judge, (Special Judge for the trial of NIA Cases), (CCH-50), Bengaluru, in the interest of justice and equity."

4. The learned counsel for the appellants would vehemently contend that the very initiation of criminal proceedings against the appellants is bad in law. The learned counsel though contend that prayer is sought for discharge of the accused for all the offences, including IPC and also Unlawful Activities (Prevention) Act, 1967 ('UA(P) Act' for short), he has restricted his prayer to discharge the appellants only in respect of offences under Sections 16, 18 and 20 of UA(P) Act in respect of Special Case No.141/2021, in connection with the incident of K.G.Halli Police Station. The learned counsel brought to the notice of this Court, a separate accusation made in respect of the accused persons in the charge-sheet. The learned counsel would mainly contend that the ingredients of UA(P) Act offences are not made out. The learned counsel also vehemently contend that case is filed against the accused

persons in respect of burning of two wheelers and Innova car. The case in respect of this incident was at the first instance registered by State Police and recorded the statement of witnesses and subsequently, the matter was entrusted to National Investigating Agency ('NIA' for short) and NIA also conducted the investigation. It is also the contention that in connection with burning of bikes, four separate FIRs are registered by the State Police and the accused involved in burning of the vehicles in the said case are not the same accused as the ones indicated by NIA in the present case. The learned counsel also contend that even though the prosecution relies upon the video, the accused are not visible in the video footage doing illegal acts. The learned counsel also contend that the statements recorded by CCB and State Police are not made part of the charge-sheet by NIA. The learned counsel submits that the sanction has been issued without perusing the relevant documents and mechanically issued the same. It is also contended that subsequent statement of witnesses have contradictions. It is also contended that sanction is full of anomalies.

5. The learned counsel would contend that the Trial Court committed an error in framing the charge relying upon

the fabricated statements. The accused persons were divided into four categories. The learned counsel also brought to the notice of this Court placing on record voluminous documents with regard to the contradictions found in the statement made when the statement was recorded by the State and also the NIA. The learned counsel would also vehemently contend that the State Police identifies different persons and NIA Police identifies different persons. The State Police recorded statement in the month of August and those statements were not against these accused persons. The learned counsel also contend that the names of accused Nos.3 to 7 surfaces in many cases and the allegation is instigation. The State Police, who have registered the case i.e., FIRs have not mentioned the names of accused Nos.3 to 6. The learned counsel contend that the State has filed the charge-sheet within 90 days and charge-sheet filed thereafter by the NIA is only in December. Hence, it is very clear that the NIA while invoking UA(P)A offences, cleverly included the statements of some of the persons, even though there was no any material against the accused persons. The learned counsel would contend that under Section 173(5) of Cr.P.C., even not produced the statements and there is no statement of witnesses regarding

ablazing of Innova car and only with an intention to implicate these accused persons, further statements were recorded. In the earlier statements, there is no whisper about involvement of these accused persons in ablazing the Innova car. The learned counsel would contend that during the course of investigation, different persons' names appeared. The prosecution relies upon so many witnesses' statements and those witnesses also gave the names of different persons at different stages. The same was recorded and implicated the accused persons invoking the UA(P) Act. The learned counsel also contend that in the remand application also, there is no whisper about the involvement of these accused persons in the said incident.

6. Per contra, the learned Special Counsel appearing for the respondent in his arguments would vehemently contend that detailed statement of objection is filed and that the appellants are not entitled for any relief in respect of framing of charge as well as discharge. The learned counsel would contend that the Trial Court in detail taken note of the material while framing the charge and also in rejecting the application for discharge and considered the scope of discharge application relying upon the judgments of the Apex Court. The learned

counsel also brought to the notice of this Court Section 15 of UA(P) Act. The learned counsel would contend that the accused persons have involved in making an attack on the police station and burnt both private and public vehicles and also caused destruction of public properties. The learned counsel would vehemently contend that Section 15(1)(a)(i) and (ii) of UA(P) Act attracts considering the ingredients of offences invoked against the accused persons and hence, the contention of the learned counsel for the appellants that UA(P) Act cannot be invoked against the accused persons, cannot be accepted and there is no any force in such argument. The ingredients of the offence are very clear with regard to invoking the offence under UA(P) Act. The learned counsel contend that the Trial Court has taken note of the provisions of Section 43D of UA(P) Act while rejecting the bail application. But, subsequently bail was granted only on the ground that there was a delay.

7. The learned counsel for the respondent relies upon the judgment of the Apex Court passed in Petition for **Special Leave to Appeal (Crl.) No.18985/2025** dated 28.01.2026, wherein a direction was given to the Trial Court to prioritize the examination of the five protected witnesses and to do the needful within a time bound period of four weeks in respect of

the case of D.J. Halli Police Station. The learned counsel referring this order would contend that the facts of the said case and the facts of the case on hand are similar and when such direction was given by the Apex Court to go ahead with the trial and give prioritization, the same principle is also applicable to the case on hand. The learned counsel would contend that the other ground urged before the Court with regard to the sanction is concerned and whether the sanction is valid or not, is to be considered at the time of trial and whether materials are scrutinized or not while giving the sanction also to be considered at the time of merits. The learned counsel also relies upon the judgment of this Court passed in **W.P.No.6515/2025** and other connected petitions dated 26.04.2025 and brought to the notice of this Court paragraph No.11, wherein it is held that if the Court takes the cognizance of an offence without sanction order, the accused can plead for his discharge on the ground that taking cognizance in the absence of sanction is not permitted. If the sanction order is issued by an incompetent authority, accused gets a right to seek discharge. If the sanction order is issued by a competent authority, but the accused wants to question the sanction order on the ground that there is no application of mind by the

authority or that all the materials were not placed before him, the appropriate stage is trial. The learned counsel also brought to the notice of this Court the scope of Section 227 of Cr.P.C. i.e., only upon consideration of records, the matter to be considered if any materials during the trial. The learned counsel would contend that investigation is conducted and charge-sheet is filed and allegations made in the charge-sheet is specifically in respect of these accused persons. The Trial Court taken note of the same and framed the charge and it is not a case for discharge when the material available on record indicates that it requires a trial.

8. In reply to this argument, the learned counsel for the appellants would vehemently contend that bail material is different from framing of charge. With regard to the discharge is concerned, whether there is a prima facie material to proceed against the accused, is to be considered at the time of framing of charge. When such material is not available, the question of framing of charge and also rejection of discharge application does not arise.

9. Having heard the learned counsel for the appellants and the learned counsel for the respondent and also on perusal

of the documents, which have been produced before this Court along with the appeals as well as during the course of argument, the points that would arise for the consideration of this Court are:

- (i) Whether the Trial Court committed an error in framing of charge against the accused for the offences of IPC as well as special enactment of Prevention of Damage to Public Property Act, 1984, as well as UA(P)A offences?
- (ii) Whether the appellants have made out a ground to discharge them by allowing the application filed for discharge?
- (iii) What order?

Point Nos.(i) and (ii):

10. Having considered the material on record, Crl.A.No.1313/2025 is filed praying this Court to set aside the order of framing of charge dated 21.05.2025 in respect of Special Case No.141/2021 and discharge the appellants under Sections 16, 18 and 20 of UA(P) Act and IPC offences and also under the special enactment. Crl.A.No.1180/2025 is filed by the appellants to set aside the order dated 05.08.2024 of framing of charge and prayer is sought to discharge the appellants for both IPC offences and UA(P)A offences. This

Court already made it clear that the ingredients of the offences are almost similar in both the appeals. The Trial Court while framing the charge taken note of the accusations made against each of the accused persons, particularly with regard to forming of an unlawful assembly. The Trial Court also taken note of the video/audio clip of BTV news channel of 21.07.2020 in Kannada language relating to alleged remarks by Sri Murugesh Nirani, MLA, which was insulting to the Hindu religious sentiments on the Facebook account of accused No.1 with an intention to promote enmity and disharmony or feelings of enmity between different religions groups while invoking Section 153A of IPC. The Trial Court also taken note of derogatory post made by one Naveen on his Facebook account, which is insulting Prophet Muhammed and accused persons connived with each other to attack the KG Halli Police Station in respect of the offence of conspiracy. The Trial Court also taken note of the allegations made in the charge-sheet with regard to attack on police station with deadly weapons such as stones, wooden clubs and iron rods, committing rioting in furtherance of unlawful assembly and common object and unlawful assembly in disobedience of the order of curfew issued under Section 144 of Cr.P.C. The Trial Court also taken note of the allegations made

with regard to preventing of police personnel, who are in discharge of their official duty as public servants and causing of mischief and damaging the vehicles both two wheelers as well as Innova car and also causing destruction of the property of private and public personnel. When such charges are made in the charge-sheet and materials are collected, whether the material collected is created for the purpose of implication of the accused persons and also the contradictions which were found in the statements recorded by the State Police as well as NIA, to be urged at the time of trial and not at the time of framing of charge.

11. The Trial Court also considered the discharge application, particularly the grounds which have been urged in the application, as well as statement of objections filed by the prosecution. The Trial Court while considering the grounds urged in the application and statement of objections, before analyzing the material on record, taken note of the principles laid down in the judgment of the Apex Court in the case of **UNION OF INDIA v. PRAFULLA KUMAR SAMAL AND ANOTHER** reported in **AIR 1979 SC 366** with regard to the scope of Section 227 of Cr.P.C. and even extracted Section 227 of Cr.P.C. for consideration of the same in paragraph No.12.

The Trial Court in paragraph No.13 taken note of the material on record and so also taken note of the judgment of the Apex Court in the case of **SAJJAN KUMAR v. CBI** reported in **(2010) 9 SCC 368**, wherein also a detailed discussion was made with regard to the exercise of jurisdiction under Sections 227 and 228 of Cr.P.C. The Trial Court also taken note of the judgment of the Apex Court in the case of **STATE OF RAJASTHAN v. ASHOK KUMAR KASHYAP** reported in **(2021) 2 Crimes (SC) 101**, extracting paragraph Nos.9.1, 9.2, 10 and 11 of the said judgment. The Trial Court having considered the principles laid down in the said judgments and also the grounds which have been urged in the application and statement of objections, in detail discussed the material on record and also taken note of earlier rejection of bail applications filed by the respective accused persons.

12. It is important to note that the main allegation of the prosecution is that the accused persons held conspiracy and thereafter they reached the K.G.Halli Police Station in furtherance of the conspiracy, shouted slogans, burnt vehicles by pouring petrol on it, damaged the public properties and they were involved in commission of terrorist act with an intention to strike terror in the mind of the people. It is also important to

note that L.W.1 Ajay Sarathi has stated before the Investigating Officer that accused No.1 was present in the mob when the incident was taken place. The Trial Court also taken note of the fact that when the persons came and lodged the complaint against one Naveen, subsequently number of persons gathered. The Trial Court also taken note of the statement of L.W.23 Nagaraju, who made the statement before the Investigating Officer so also the statement of witnesses LW 30 to 35. The Trial Court in paragraph No.37 taken note of the persons who have indulged in setting ablaze on Innova car near K.G. Halli Police Station by pouring petrol on it during riots on 11.08.2020 and also setting fire on the two wheelers and attack made on the police station and each accused's role played is taken note of while rejecting the discharge application. In paragraph No.38 taken note of that the Investigating Officer has also collected the CDRs of mobile numbers of the accused persons, which clearly indicate that the accused persons were in contact with other accused persons during the incident and they were present at the place of incident. It is also important to note that with regard to conspiracy is concerned, the Court cannot expect the direct evidence and the same has to be considered during the course

of trial whether there was a circumstance to point out the proving of conspiracy. Without conducting the trial, the same cannot be done.

13. The Trial Court also taken note of the grounds of application when the argument was made that there are contradictions in the statements made by the witnesses and so also with regard to the identity of the accused persons. Though it is contended that State Police as well as the NIA identified different persons at different stages and the same is a matter of trial and the same is also taken note of by the Trial Court in paragraph No.40. In paragraph No.43, the Trial Court taken note of with regard to the allegations made in Crime Nos.228/2020, 232/2020, 241/2020 and 235/2020. When such material is collected by the Investigating Officer, if there is any contra material as contended by the learned counsel for the appellants, at the time of framing of charge and rejection of discharge application, the Trial Court cannot conduct a mini trial. The Trial Court in paragraph No.48 taken note of that some of the accused persons came to K.G. Halli Police Station at around 8.55 p.m. on 11.08.2020 and lodged a first information statement against one Naveen. Thereafter, the mob started gathering in front of K.G.Halli Police Station and

alleged incident occurred after 11.00 p.m. Though it is contended that videos are produced before the Court, the faces of all the persons who were in the mob is not properly visible and the same is also to be taken note of at the time of marking of the same before the Court and effective cross-examination can be done during the course of trial. When such being the case, the very contention of the learned counsel for the appellants that the ingredients of offence of UA(P) Act are not made out, cannot be accepted.

14. The learned counsel for the respondent rightly brought to the notice of this Court the ingredients of Section 15(1)(a)(i) and (ii) of UA(P) Act. If any fear and terror atmosphere is created at the time of the incident, whether such ingredients are complied or not, is only to be considered at the time of considering the matter on merits and the Trial Court cannot conduct mini trial at the stage of framing of charge and at the time of considering the discharge application. Hence, we do not find any grounds to entertain these appeals to set aside the order dated 21.05.2025 framing charges as well as the order dated 05.08.2024 and no ground is made out to allow the discharge application by setting aside the order of the Trial Court. The Trial Court considering the material on record,

rightly framed the charge and also rightly rejected the discharge application in rightly coming to the conclusion that all these materials are to be considered during the course of trial. Hence, we answer point Nos.(i) and (ii) in the negative.

Point No.(iii):

15. In view of the discussions made above, we pass the following order:

ORDER

Both the appeals are dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

Sd/-
(B.PRAMOD)
JUDGE

MD