



NC: 2026:KHC:54498
CRL.RP No. 1052 of 2026

CNR: KAHC010440532026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL REVISION PETITION NO. 1052 OF 2026
(397(Cr.PC) / 438(BNSS))

BETWEEN

SRI SUJAY KUMAR SHETTY,
S/O. RAMANNA SHETTY,
AGED ABOUT 51 YEARS,
RESIDENT OF FLAT NO.1321, EMBASSY HABITAT,
2ND FLOOR, 13TH BLOCK, VASANTHANAGAR,
BANGALORE-560052.

...PETITIONER

(BY SRI PRASAD HEGDE K. B., ADVOCATE)

AND

STATE OF KARNATAKA,
REPRESENTED BY SUPERINTENDENT OF POLICE,
KARNATAKA LOKAYUKTA POLICE,
BENGALURJ RURAL DISTRICT, BENGALURU-560001.

...RESPONDENT

(BY SRI K. PRASANNA SHETTY, ADVOCATE)

THIS CRIMINAL REVISION PETITION IS FILED U/S.397 OF CR.P.C., (U/S.438 R/W. SECTION 442 OF BNSS), PRAYING TO SET ASIDE THE ORDER DATED 02.04.2026 MADE IN CR.NO.1/2026 PASSED BY THE IX ADDITIONAL DISTRICT AND SESSIONS JUDGE AND SPECIAL JUDGE, BENGALURU RURAL DISTRICT, BENGALURU, WHEREIN THE COURT BELOW REJECTED THE APPLICATION FILED BY THE PETITIONER UNDER SECTION 497 R/W.503 OF BNSS, INTEREST OF JUSTICE.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 18.09.2026, COMING ON FOR PRONOUNCEMENT, THIS DAY, THE COURT MADE THE FOLLOWING:



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CORAM: HON'BLE MR. JUSTICE VENKATESH NAIK T

CAV ORDER

This Criminal Revision Petition is filed by the petitioner, who was the applicant before the trial court, seeking to set aside the order dated 02.04.2026 passed by the learned IX Additional District and Sessions Judge, Bengaluru Rural District, in crime No.1/2026, whereas, the application filed by the petitioner under Sec.497 R/W. 503 of BNSS 2023, seeking release of the seized cash and mobile phone, came to be rejected.

2. Brief facts of the case are as under:

The respondent-Lokayuktha Police registered Crime No.01/2026 dated 11.02.2026 for the offences punishable under Sections 13(1)(b) read with Section 13(2) of the Prevention of Corruption Act, 1988, against one Sri. H.M. Janardhana, stated to be working as Superintendent Engineer in the Karnataka Residential Educational Institutions Society (KREIS), Bengaluru, alleging acquisition of disproportionate assets to his known sources of income.



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3. The petitioner herein is a private individual and a Class-I contractor carrying on contract works in Karnataka and other States. The petitioner is neither a Government servant nor an accused in Crime No.01/2026. It is his specific case that he has no nexus or association with accused H.M. Janardhana.

4. On 11.02.2026, pursuant to the requisition of the Investigating Officer, a search warrant was issued for conducting search of the residential premises of the petitioner situated at Flat No.1321, Embassy Habitat, Vasanthanagar, Bengaluru.

5. Pursuant to the said search warrant, the respondent police conducted a search of the petitioner's premises on 12.02.2026 and seized cash of Rs.1,69,30,000/- (Rupees One Crore Sixty-Nine Lakhs Thirty Thousand only) and one Apple iPhone 16 Pro bearing IMEI-1 No.358244958905236 and IMEI-2 No.358244958564850. It is the case of the petitioner that the seized cash and mobile phone are his personal properties and have no nexus with the alleged disproportionate assets of accused H.M. Janardhana.



6. The petitioner states that he is executing substantial contract works in Karnataka and other States. It is further stated that he had withdrawn an aggregate amount of Rs.8,82,77,747/- from his bank accounts between 17.11.2025 and 07.02.2026 for making payments and advances to labourers, agencies and other persons engaged in execution of his contract works. It is the further case of the petitioner that, as on 12.02.2026, he was having cash of approximately Rs.2,47,41,425/-, out of which the seized amount formed part of his business funds. The petitioner has also relied upon his income-tax returns and states that he had declared income of Rs.13,46,50,040/- for the assessment year 2023-24, Rs.13,18,31,550/- for the assessment year 2024-25 and Rs.9,82,92,390/- for the assessment year 2025-26.

7. The petitioner thereafter filed an application before the learned IX Additional District and Sessions Judge and Special Judge, Bengaluru Rural District, Bengaluru, under Sections 497 and 503 of the BNSS, seeking release of the seized cash and mobile phone.



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8. The respondent opposed the application contending that the investigation in Crime No.01/2026 was still in progress and that the seized articles were required for the purpose of investigation.

9. The learned Sessions Judge, by order dated 02.04.2026, rejected the application filed by the petitioner. Aggrieved by the said order, the petitioner has preferred the present revision petition.

10. It is also relevant to note that the petitioner had earlier approached this Court in W.P.No.14767/2026. Insofar as the challenge to the order dated 02.04.2026 was concerned, the petitioner withdrew the said prayer with liberty to avail the appropriate revisional remedy. The order dated 07.05.2026 passed in the said writ petition is stated to have granted such liberty.

11. Learned counsel appearing for the petitioner contends that the petitioner is neither an accused nor a Government servant in Crime No.01/2026 and that there is no material establishing any nexus between the seized cash and



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the alleged disproportionate assets of accused H.M.Janardhana. It is contended that the petitioner is a Class-I contractor and has produced material relating to his business activities, bank withdrawals and income-tax returns explaining the source of the seized cash. It is further contended that the mobile phone is the personal property of the petitioner and is required for his business and communication. Learned counsel further contended that mere pendency of investigation cannot justify continued retention of the seized property and that the petitioner is ready to furnish security and comply with appropriate conditions. Accordingly, he prayed to set aside the impugned order and release the seized cash and mobile phone as sought.

12. *Per contra*, learned Special Public Prosecutor contended that the investigation in Crime No.01/2026 is still in progress and that the source and ownership of the seized cash require verification. It is further contended that the documents relied upon by the petitioner, including bank withdrawal particulars and income-tax records, require examination during investigation and that the seized articles be required for the



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purpose of investigation. It is therefore contended that release of the property at this stage may prejudice the investigation and that the impugned order does not call for interference.

13. In view of the rival submissions made by both the parties, the following point arises for Court consideration:

"Whether the order dated 02.04.2026 passed by the learned IX Additional District and Sessions Judge and Special Judge, Bengaluru Rural District, Bengaluru, rejecting the application filed by the petitioner for release of the seized cash and mobile phone calls for interference by this Court?"

14. I have carefully considered the submissions of learned counsels for the parties and perused the material placed on record.

15. At the outset, it is necessary to observe that the scope of present revision petition is confined to the question of custody and release of the seized property. This Court is not called upon to adjudicate upon the merits of Crime No.01/2026



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or to record any finding regarding the allegations against accused H.M.Janardhana.

16. It is not in dispute that Crime No.01/2026 has been registered against H.M.Janardhana and that the petitioner herein is not shown as an accused in the said crime. It is also not in dispute that the cash and mobile phone were seized from the residential premises of the petitioner.

17. The petitioner has placed reliance upon his bank transactions, income-tax returns and business activities to contend that the seized cash belongs to him. Whether the explanation offered by the petitioner ultimately establishes the lawful source of the entire amount is a matter which may require verification during investigation. This Court, at this stage, is not required to record any final finding on that aspect.

18. The contention of the respondent that the source of the cash requires further investigation cannot be ignored. The fact that the petitioner is not an accused in Crime No.01/2026 and that the cash was seized from his residential premises are



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relevant circumstances while considering the prayer for release of the property.

19. As regards the mobile phone, the Investigating Officer is entitled to conduct necessary forensic examination and extraction or preservation of relevant electronic evidence in accordance with law.

20. This Court is not expressing any opinion regarding the ultimate ownership or lawful source of the seized cash or as to the existence or otherwise of any nexus between the petitioner and accused H.M.Janardhana. All such aspects are left open to be examined by the investigating officer in accordance with law.

21. In view of the above circumstances, and having regard to the fact that the investigation is still in progress and that the seized properties or articles may be required for the purpose of investigation, this Court is of the considered view that the learned Sessions Judge was justified in rejecting the petitioner's application for release of the seized cash and



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mobile phone. The impugned order, therefore, does not call for interference.

22. Accordingly, I proceed to pass the following;

ORDER

The Criminal Revision Petition is ***dismissed***.

Pending I.A's, if any, stand disposed of, as it do not survive for any consideration.

**Sd/-
(VENKATESH NAIK T)
JUDGE**

MBS /CT-AN
List No.: 19 Sl No.: 1