



CNR: KAHC010500572024

NC: 2026:KHC:52502
CRL.P No. 8869 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 8869 OF 2024

BETWEEN:

SRI. C ANANDA
S/O. CHANDRASHEKAR
AGED ABOUT 36 YEARS
R/AT NO.360
NEAR OM SHAKTHI MEDICAL
R.G. NAGAR
BENGALURU - 560 091.

...PETITIONER

(BY SRI. V B SIDDARAMAIAH, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY KAMAKSHIPALYA POLICE STATION,
KAMAKSHIPALYA
BENGALURU - 560 079
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING,
BANGALORE - 560 001
2. SRI. THAMMANNAGOWDA
S/O. LATE. CHALUVAIAH
AGED ABOUT 53 YEARS



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CHANDANA BADAVANE
SUNKADAKATTE
VISHWANEEDAM POST
BENGALURU - 560 091.
DEAD BY LRS

2(A) SMT. VARALAKSHMI B.R.
W/O. LATE THAMMANNAGOWDA
AGED ABOUT 55 YEARS,

2(B) SRI. SHEKAR GOWDA K.T.,
S/O. LATE THAMMANNAGOWDA
AGED ABOUT 27 YEARS

R2(A) & R2(B) ARE
R/OF KUNDUR VILLAGE
KITHANAMANGALA HOBLI - 572 130.
KUNIGAL TALUK,
TUMAKURU DISTRICT.

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1
R2(B) SERVED BUT UNREPRESENTED
R2(A) SERVED THROUGH WHATSAPP)

THIS CRL.P IS FILED U/S.482(FILED U/S.528 BNNS) OF
CR.P.C PRAYING TO SET ASIDE THE ORDER DATED 24.01.2020
PASSED IN CRL.RP.NO.923/2019 PASSED BY THE COURT OF
THE 68th ADDITIONAL CITY CIVIL AND SESSIONS JUDGE,
BENGALURU CITY (CCH-69) WHICH IS FILED AGAINST THE
ORDER DATED 22.11.2019 PASSED BY THE COURT OF 4th
ACMM, BENGALURU PASSED ON ORDER ON APPLICATION
FILED BY THE PETITIONER AND RESPONDENT NO.2
U/S.451,457 OF CRPC.



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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

In this petition, the petitioner has challenged the order dated 24.01.2020 passed in Crl.R.P.No.923/2019 passed by the LXVIII Additional City Civil and Sessions Judge, Bengaluru City, (CCH-69) (for short, 'the First Appellate Court'), whereby the First Appellate Court dismissed the revision petition by confirming the order passed by the IV Additional Chief Metropolitan Magistrate, Bengaluru (for short, 'the Trial Court') in Crime No.266/2019 dated 22.11.2019.

2. The brief facts of the case are that respondent No.2 lodged a complaint before respondent No.1-Police against one Somashekar and others for the offences punishable under Sections 506, 406, 420, 504 and 120B read with Section 34 of IPC. It is alleged that accused No.1-Somashekar, being the owner of the vehicle bearing registration No.KA-51-B-9520, had hypothecated the said vehicle with Sri Equipment Finance Limited and availed a loan of Rs.13,50,000/-. Subsequently, as



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he failed to repay the loan amount, the RTO, Devanahalli, seized the vehicle in the year 2017.

3. It is further alleged that respondent No.2, being the nephew of the said Somashekar, paid a sum of Rs.4,00,000/- to the Finance Company on 22.03.2018 and a further sum of Rs.2,13,000/- to Somashekar. It is stated that Somashekar assured respondent No.2 that he would execute the necessary documents in respect of the vehicle in his favour by way of sale. However, after obtaining possession of the vehicle, Somashekar failed to execute the necessary documents in favour of respondent No.2. Hence, respondent No.2 lodged the aforesaid complaint against Somashekar and others.

4. During the course of investigation, respondent No.1-Police seized the vehicle and subjected it to PF No.207/2019. Thereafter, respondent No.2 filed an application under Section 457 of the Cr.P.C. seeking release of the vehicle in his favour. The petitioner also filed an application under Section 457 of the Cr.P.C. seeking release of the vehicle to his custody. The learned Trial Court, vide order dated 22.11.2019, allowed the application filed by respondent No.2 and rejected



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the application filed by the petitioner. Aggrieved by the said order, the petitioner preferred a criminal revision petition before the First Appellate Court.

5. The First Appellate Court dismissed the said criminal revision petition, while reserving liberty to the petitioner to institute an appropriate suit or initiate such other proceedings as permissible in law, seeking declaration of ownership in respect of the vehicle in question. Aggrieved by the said order, the petitioner has preferred the present petition.

6. Apart from urging several contentions, the learned counsel for the petitioner primarily contended that, though the vehicle was released in favour of respondent No.2 by the learned Trial Court vide order dated 22.11.2019, the Registration Certificate and permit of the vehicle continue to stand in the name of the petitioner. Therefore, respondent No.2 is not in a position to use the vehicle. It is further contended that, on account of the same, the vehicle is deteriorating and, therefore, an appropriate order requires to be passed at the earliest.



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7. On perusal of the orders passed by the learned Trial Court and the First Appellate Court, instead of examining the rival claims on merits, I am of the considered view that the Trial Court is required to conclude the proceedings in C.C.No.23434/2021 and thereafter pass appropriate orders regarding the disposal of the property seized under PF No.207/2019. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is disposed of.
- ii. The Trial Court i.e., IV Additional Chief Metropolitan Magistrate, Bengaluru is directed to dispose of the C.C.No.23424/2021 (arising out of Crime No.266/2019 registered by Kamakshipalya Police Station) for the offence punishable under Section 506, 406, 420, 504, 120B r/w Section 34 of IPC at the earliest, preferably within an outer limit of six months from the date of receipt of a copy of this order, considering the nature of litigation as discussed supra.



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iii. The Trial Court shall also pass appropriate orders regarding disposal of the property, based on the evidence and in accordance with law.

SD/-
(RAJESH RAI K)
JUDGE

CR
List No.: 1 Sl No.: 12