



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 2357 OF 2023 (A)

BETWEEN:

1. RAGHAVENDRA K N
S/O SRI K.C NARAYANAPPA,
OCC: ADVOCATE,
AGED ABOUT 40 YEARS,
R/AT NO. 19, FLAT NO. 16,
DEEPA FLOUR MILL ROAD,
SANJAY NAGAR,
BENGALURU - 560 094.

...APPELLANT

(BY SRI. SANDEEP JAIN, ADVOCATE FOR
SRI. ARCHANA MURTHY.P., ADVOCATE)

Digitally signed
by
SHARADAVANI
B
Location: High
Court of
Karnataka

AND:

1. MYLARAPPA
S/O CHIKKAYAPPA,
AGED ABOUT 65 YEARS,
R/AT NO. 1533/1, 5TH A MAIN,
3RD CROSS B BLOCK,
SAHAKARA NAGAR,
BENGALURU -560 092.
2. NAGAVENI
W/O MYLARAPPA,
AGED ABOUT 55 YEARS,



3. UMA
D/O MYLARAPPA,
AGED ABOUT 30 YEARS,
4. MYNA M,
D/O MYLARAPPA,
AGED ABOUT 26 YEARS,

RESPONDENTS NO.2 TO 4 ARE
R/AT NO. 1533/1, 5TH A MAIN,
3RD CROSS B BLOCK,
SAHAKARA NAGAR,
BENGALURU -560 092.

...RESPONDENTS

(BY SRI. SUBRAMANI M.,ADVOCATE FOR R1 TO R4)

THIS CRL.A IS FILED U/S 378(4) CR.P.C BY THE
ADVOCATE FOR THE APPELLANT PRAYING THAT THIS
HONOURABLE COURT MAY BE PLEASED TO ALLOW THIS
PETITION BY SETTING ASIDE THE ORDER OF HONBLE VII
ACMM, BENGALURU DATED 10.07.2023 IN
C.C.NO.15069/2017.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA



ORAL JUDGMENT

The appellant has preferred this appeal against the impugned order passed by the VII Additional C.M.M., Bengaluru, dated 10.07.2023 in CC No. 15069/2017.

2. The appellant/complainant had filed the private complaint under Section 200 of Cr.P.C. for the offence under Sections 193, 427, 506, 507 and 504 of IPC. Case was registered under Section 156(3) of Cr.P.C. After investigation, Investigation Officer has submitted B report. Thereafter, case was registered for the offence under Sections 504 and 506 read with 34 of IPC and was registered in C.C.No.15069/2017 and summons was issued to the accused. In response to summons, the accused appeared before the trial Court and was enlarged on bail. Thereafter, case was posted for evidence before charge. Since the complainant did not appear before the trial Court for evidence before charge, the trial Court has passed the impugned order which reads as under:



"Heard. Ld. counsel for accused.

Perused the Order sheet today the matter is set-down for E.B.C., when matter was called at 11.30 a.m., Complainant absent and none represented the Complainant. Again the case was called at 1.30 p.m., at that time also Complainant remained absent and none was represented the case.

Again the case was called at 3.00 p.m., Complainant absent and no representation for Complainant it is a matter of 2017. On perusal of Ordersheet it discloses this Court has given sufficient opportunity to the Complainant to adduce evidence. Complainant used to file one after the another applications just to drag on the proceedings. Though, this Court has posted the case for E.B.C., finally as last chance on this day Complainant remained absent, it shows he is dragging the matter. Hence, I proceed to pass following:

ORDER

Acting U/s.249 of Cr.P.C., accused are discharged. Accordingly, this Complaint is closed."

3. The learned counsel appearing on behalf of the appellant would submit that on the date of dismissal of this case on 10.07.2023, the appellant was suffering from fever, hence, he could not appear before the Court.



4. As against this, the learned counsel for the respondents fairly submitted that absolutely there are no materials to proceed with the case without assigning any proper reasons, the appellant has dragged the matter and for that reason, the trial court has rightly dismissed the complaint. Hence, he sought for dismissal of the appeal. Further, he would submit that if this Court is of the opinion to set aside the impugned order, direction may be given to the trial Court to dispose of the case within six months from this day.

5. I have examined the materials placed before this Court.

6. The trial Court has dismissed the case on the ground that the complainant has failed to adduce evidence before charge. It is submitted by the learned counsel for the appellant that the complainant was suffering from fever, hence, he could not appear before the trial Court. Considering the submission made by the learned counsel



for the appellant, it is just and proper to provide one more opportunity to the complainant to adduce the evidence before charge. Accordingly, I proceed to pass the following:

ORDER

- (i) The appeal is ***allowed***.
- (ii) The impugned order passed by the VII Additional C.M.M., Bengaluru dated 10.07.2023 in C.C.No.15069/2017 is set aside. The C.C.No. 15069/2017 shall be restored to file.
- (iii) Both parties are directed to appear before the trial Court without seeking any further notice from the trial Court on **02.04.2026**.
- (iv) It is submitted by the learned counsel for the respondent that, accused No. 1 is suffering from paralysis. In this regard, accused No. 1, who is respondent No.1 in this case, is permitted to file necessary application before the trial Court for dispensation of the personal appearance of the accused.



- (v) If such application is filed, the trial Court shall consider the same and pass the orders in accordance with law.
- (vi) The trial Court shall dispose of the case within five months from 02.04.2026 under intimation to this Court.

Registry is directed to send the copy of this order to the concerned Court.

Sd/-
(G BASAVARAJA)
JUDGE

PSJ
List No.: 1 Sl No.: 63