



CNR: KAHC010518332026

NC: 2026:KHC:45431
WP No. 23290 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 23290 OF 2026 (GM-RES)

BETWEEN:

SRI RAHUL
S/O RAMANNA
AGED ABOUT 32 YEARS
WORKING AS AUTO DRIVER
AREHALLI HATTI,
HOLALKERE TALUK
CHITRADURGA DISTRICT
PIN CODE 577526

...PETITIONER

(BY SRI. H PAVANA CHANDRA SHETTY, ADVOCATE)

AND:

1. NIL

...RESPONDENT

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE LEARNED II ADDITIONAL DISTRICT AND SESSIONS JUDGE, AT CHITRADURGA TO FIX THE DATE FOR TRAIL SINCE CHARGE HAS BEEN FRAMED ON 15.11.2025 IN SC NO.65/2023 FOR THE OFFENCE PUNISHABLE BY UNDER SECTION 143, 147, 148, 324, 504, 506, 354(B), 307, 302 R/W 149 OF IPC 1860 AT ANNEXURE-A.

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



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CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

1. This petition is by the complainant in S.C. No.65/2023 pending trial on the file of II Additional District and Sessions Judge, Chitradurga for the offences punishable under Sections 143, 147, 148, 324, 504, 506, 354(B), 307, 302 read with Section 149 of IPC.
2. The grievance of the petitioner is that though charge sheet has been filed on 13.12.2022, the matter has been committed to the Sessions Court on 19.07.2023. Thereafter, matter had been posted for hearing before framing of charge from time to time upto 15.11.2025 and matter was posted for fixing of date for trial on 12.12.2025. Thus, the matter is pending for over three years seven months from the date of committal without any substantial progress. Hence, petitioner is before this Court seeking direction to fix the date for trial and to complete the trial expeditiously.



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3. This Court on 14.08.2026 has directed the registry to secure the information from the concerned Court namely, the II Additional District and Sessions Judge regarding the reasons for pendency of the matter.
4. In response, a communication has been forwarded by the concerned Court, which reads as under:

With reference to the above subject, I write to submit that in pursuance of order passed by Hon'ble High Court of Karnataka in WP No.23290/2026 (GM-RES-482), dtd: 14.08.2026 for reference in SC No.65/2023 regarding the pendency of this matter, wherein in the above mentioned case, charge is framed.

Advocate for accused submitted that, counter case is pending before JMFC, Holalkere in CC No.178/2023 and it is stayed by the Hon'ble High Court of Karnataka, Bengaluru.

Hence, this matter is adjourned for FDT on 23.09.2026.

This is for your kind information.

5. The said explanation does not justify pendency of the matter for about three and half years without fixing the date of trial. The reason assigned as seen in the aforesaid communication is that a counter case in C.C. No.178/2023 has been filed against the petitioner herein, in which the petitioner herein has approached this Court



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and obtained stay and therefore, the trial Court is not proceeding with the matter.

6. Clearly, there is no stay of further proceedings in SC No.65/2023. As such, there is no justification for the trial Court not to proceed the trial. Copy of the charge sheet enclosed with the writ petition indicate that there are 19 accused and about 61 witness and the trial Court still has not fixed the date for trial.
7. Appropriate to refer the judgment of the Apex Court in the case of **NATHI LAL AND OTHERS V. STATE OF U.P. AND ANOTHER** ¹, wherein the Apex Court has indicated the procedure to be followed by the trial Court in cross cases, which is as under;

"2. We think that the fair procedure to adopt in a matter like the present where there are cross cases, is to direct that the same learned Judge must try both the cross cases one after the other. After the recording of evidence in one case is completed, he must hear the arguments but he must reserve the judgment. Thereafter he must proceed to hear the cross case and after recording all the evidence he must hear the arguments but reserve the judgment in that case. The same learned Judge must thereafter dispose of the matters by two separate judgments. In deciding each of the cases, he can rely only on the evidence recorded in that particular case. The evidence recorded in the

¹ 1990 (Supp) SCC 145



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cross case cannot be looked into. Nor can the judge be influenced by whatever is argued in the cross case. Each case must be decided on the basis of the evidence which has been placed on record in that particular case without being influenced in any manner by the evidence or arguments urged in the cross case. But both the judgments must be pronounced by the same learned Judge one after the other."

8. There cannot be any justification by the trial Court in not proceeding with the matter.
9. In the circumstances, the trial Court shall fixed the date for trial within 15 days from the date of receipt of certified copy of this order and proceed with the trial expeditiously and report the progress of the trial every month to the Registrar (General) of this Court.

Petition is **disposed of** accordingly.

SD/-
(M.G.S. KAMAL)
JUDGE