



CNR: KAHC010585852026

NC: 2026:KHC:51152
CRL.P No. 13111 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 13111 OF 2026

BETWEEN:

THE INTELLIGENCE OFFICER,
DIRECTORATE OF REVENUE INTELLIGENCE,
BANGALORE ZONAL UNIT, NO. 8(2)P,
OPP. BDA COMPLEX, HBR LAYOUT,
KALYANAGAR POST, BANASWADI,
BENGALURU - 560 043.

...PETITIONER

(BY SRI MADHU N RAO, SR.SPP FOR
SRI SHISHIRA AMARNATH.,ADVOCATE)

AND:

SHRI AJAY KUMAR,
S/O SHRI MANJU SANNAPPA,
AGED ABOUT MAJOR,
R/AT WARD NO. 10, 2ND CROSS,
SHANKARAPURA, CHIKKAMAGALURU,
KARNATAKA - 577 101.

...RESPONDENT

(BY SRI M R BALAKRISHNA, ADVOCATE)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO A. QUASH AND SET ASIDE THE ORDER DATED 06.08.2026 PASSED BY THE LD SPECIAL JUDGE IN THE AFORESAID CASE REMAINING ACCUSED NO.4 SRI.AJAY KUMAR TO JUDICIAL CUSTODY TILL 20.08.2026 AND ETC.

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

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RAMNATH HEGDE





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CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

2. The petition is filed to set aside the order dated 06.08.2026 passed by Special Judge rejecting the application filed by the prosecution seeking remand of accused No.4 and whereby accused No.4 is sent to judicial custody till 20.08.2026.

3. Learned counsel for the petitioner would submit that the application for remand of accused No.4 is rejected on the sole ground that the prosecution has not produced the case diary as required under Section 187 of Bharatiya Nagarik Suraksha Sanhita, 2023.

4. Learned counsel for the petitioner would submit that the Division Bench of this Court in ***Sudha Shivaram Gowda vs. State of Karnataka***¹ has taken a view that non-

¹ ***I.L.R. 1993 KAR 733***



production of the case diary cannot be a sole ground to reject the remand application. If there are other materials to justify the remand, then there has to be an appropriate order based on the other materials placed before the Court for its consideration.

5. Learned counsel appearing for the petitioner would submit that the petitioner is Director of Revenue Intelligence and they are not regular Police. However, the petitioner is vested with the power to investigate the offences alleged in the present case and in the normal course of the investigation the officer of the Revenue Intelligence Department maintain the note sheets which is equivalent to case diary, as it contains all the information that is required to be mentioned in a regular case diary.

6. Since the note sheets are produced along with the remand application disclosing the reasons for the remand, the Special Judge ought to have taken note of the grounds urged in the note sheet and should have allowed the application, is the submission.

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7. Learned counsel for the respondent would submit that accused No.1 is the person from whose custody the alleged banned substances were recovered. Accused No.4 is implicated based on the statement of the co-accused/accused and no recovery is made from accused No.3, as such, the Magistrate is justified in rejecting the application of remand.

8. The Court has considered the contentions raised at the Bar and perused the records.

9. In ***Sudha Shivaram Gowda*** (*supra*), the Division Bench of this Court has held that the Court is bound to consider the materials placed on record while seeking remand of the accused.

10. From the impugned order, it is evident that the Trial Court has rejected the application on the ground that the case diary is not produced. It is relevant to notice that the petitioner-Director of Revenue Intelligence, is the officer under the Central Government. It is the submission that the officers under the Central Government are not bound to maintain the

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case diary as required to be maintained by the officers of the State Government.

11. The submission is that, the note sheets are equivalent to case diary under the relevant provisions of law applicable to the Central Government officers.

12. The Court is of the view that the nomenclature of the document which is produced, may not be relevant. The contents of the documents which are produced before the jurisdictional Court for its consideration, are relevant.

13. It is apparent that there is no application of mind as to the contents of the documents which are produced.

14. That being the position, without entering into the merits, the impugned order is set aside.

15. The matter is remitted to the jurisdictional Court to consider the case on merits. After considering the materials on record, appropriate order has to be passed.

16. It is made clear that this Court has not expressed anything on the merits of the matter.

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17. Since it is submitted that consideration of the application seeking bail is also deferred, the application seeking remand be considered at the earliest.

18. Accordingly, the Criminal Petition is ***allowed in part.***

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RAMNATH HEGDE

(ANANT RAMANATH HEGDE)
JUDGE

GVP
List No.: 2 SI No.: 15