



CNR: KAHC010599562026

NC: 2026:KHC:53244
CRL.P No. 13451 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE
CRIMINAL PETITION NO. 13451 OF 2026 (482(Cr.PC) /
528(BNSS))

BETWEEN:

1. RAJA @ NAGARAJA
S/O CHAMAI AH,
AGED ABOUT 42 YEARS
2. BETTA @ BETTEGOWDA,
S/O. KRISHNAIAH,
AGED ABOUT 25 YEARS,
3. SHASHIKALA,
W/O NAGARAJU.C
AGED ABOUT 32 YEARS,
4. JAYALAKSHMAMMA,
W/O NANJUNDAIAH,
AGED ABOUT 46 YEARS,

ALL ARE RESIDING AT ANKANAHALLI,
KUTAGAL HOBLI,
RAMANAGARA TALUK,
BENGALURU SOUTH DISTRICT-562 159.

Digitally signed
by BELUR
RANGADHAMA
NANDINI

Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI. MANJUNATH G. KANDEKAR.,ADVOCATE)



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AND:

STATE BY RAMANAGARA RURAL
POLICE STATION
RAMANAGARA,
BENGALURU SOUTH DISTRICT-562 159.
REP BY ITS SPP
HIGH COURT BUILDING
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. G.S. ARUNA, HCGP)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) PRAYING TO ALLOW THE CRIMINAL PETITION BY SETTING ASIDE THE ORDER DATED 31.07.2026 IN CC NO.167/2017 ON THE FILE OF THE I ADDL.CIVIL JUDGE AND JMFC BANGALORE SOUTH DISTRICT, RAMANAGARA PASSED IN RESPECT OF APPLICATION U/S 311 OF CRPC AT ANNEXURE-A AND CONSEQUENTLY CONSIDER THE APPLICATION BY AFFORDING AN OPPORTUNITY TO CROSS EXAMINE WITNESS PW-1 TO PW-3 ON BEHALF OF ACCUSED.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel for the petitioners and learned HCGP for the respondent.

2. This petition is filed to set-aside the order dated 31.07.2026 in C.C.No.617/2017, on the file of I Additional Civil Judge and JMFC, Bengaluru South District, Ramanagara, in



terms of which an application filed under Section 311 of Cr.P.C by the petitioners herein is rejected.

3. Learned counsel for the petitioners would submit that the application is filed to recall PW1 to PW3 for the purpose of cross-examination, as the petitioners felt that some of the vital questions relating to their defence have not been put in the cross-examination, which was conducted by their previous counsel.

4. Learned counsel for the petitioners would urge that the petitioners, if convicted, will have to undergo imprisonment and since the consequence is severe, the application could not have been rejected.

5. It is further submitted that, PW1 was cross-examined in part and PW2 and PW3 have not been cross examined and their cross examination was taken as nil. The Trial Court has rejected the application on the ground that the application is filed three years after the examination of PW1 to PW3.



6. This Court has perused the impugned order, wherein at paragraph No.9, the Trial Court has taken note of the fact that the accused have not availed the opportunity to cross-examine PW1 and other witnesses. It has also taken note of the fact that PW1 was aged 80 years old, at the time of his cross-examination.

7. The Trial Court is of the view that there is an inordinate delay on the part of the applicants in filing an application, and accordingly, the application was rejected.

8. Further, the Trial Court has also taken note of the judgment of the Co-ordinate Bench of this Court in the case of ***M/s. Steel Rocks Inc. and another Vs. M/s. Bengaluru Elevated Tollway Pvt. Ltd., and another*** decided on ***21st October 2024***¹, wherein the Court has observed that mere change of the counsel is not a ground to recall the witnesses.

9. The Court has considered the contentions raised and perused the records.

¹ ***Criminal Petition No.4877/2024***



10. It is to be noticed that after the change of counsel, all other witnesses have been cross examined, except PW1, PW2 and PW3. It appears that, counsel who cross examined other witnesses might not have noticed the fact that PW1, PW2 and PW3 have not been cross examined earlier. No such grounds are forthcoming in the application filed. However, considering the fact that, in case the petitioners are convicted, they may have to undergo imprisonment up to seven years.

11. The Court has also taken note of the fact that PW1 to PW3 are said to be the eye-witnesses. Hence, the cross examination of PW1 to PW3 is necessary for adjudication of the case.

12. Though the Court finds that the impugned order passed by the Trial Court is also in accordance with law, to ensure complete justice, adopting a liberal approach in exercise of inherent jurisdiction, the impugned order is set aside subject to following conditions:

(i) The petitioners shall pay cost of Rs.5,000/- to each of the said witnesses namely PW.1 to PW.3 and the petitioners



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shall not seek any further adjournment when the case is fixed for the cross-examination of the said three witnesses.

(ii) The cross-examination shall be confined in respect of those matters which are not covered in the cross-examination of PW1, who is partly cross-examined.

(iii) The payment of cost is a condition precedent to commence the cross-examination.

13. The impugned order dated 31.07.2026 in C.C.No.617/2017, on the file of I Additional Civil Judge and JMFC, Bengaluru South District, Ramanagara, is set aside as aforesaid.

Criminal Petition is ***allowed*** accordingly.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE