



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL APPEAL NO.2002 OF 2024 (A)

BETWEEN:

THE STATE OF KARNATAKA
BY VIJAYANAGARA POLICE STATION
MYSORE
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU-560 001.

...APPELLANT

(BY SRI B.A. BELLIAPPA, SPP-I ALONG WITH
SRI RAHUL RAI K., H.C.G.P.)

AND:

FAHAD @ NADUTANI @ MOHAMMED KOY
S/O. ABDULLA HAI @ ABDULLA KOYA
AGED ABOUT 32 YEARS
OCC.: MASON
RESIDENT OF NO.K-314, F BLOCK
NORTH NAZIMA BAGH KARACHI
PAKISTAN
AT PRESENT:
RESIDNG AT NO.186, 4TH CROSS
2ND STAGE, RAJIVNAGAR
UDAYAGIRI
MYSORE-570 019.

...RESPONDENT

(BY SRI S. BALAKRISHNAN, ADVOCATE)

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THIS CRIMINAL APPEAL IS FILED UNDER SECTION 378(1) AND (3) OF THE CR.P.C. PRAYING TO SET ASIDE THE JUDGMENT AND ORDER OF ACQUITTAL DATED 19-6-2023 PASSED IN SPL.C.C.NO.106 OF 2015 ON THE COURT OF THE LEARNED CITY CIVIL AND SESSIONS JUDGE, BENGALURU, THEREBY ACQUITTING THE RESPONDENTS/ACCUSED FOR THE OFFENCE PUNISHABLE UNDER SECTION 121 OF IPC BY ALLOWING THIS CRIMINAL APPEAL AND ETC.

THIS CRIMINAL APPEAL IS COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ)

The State has preferred this appeal, feeling aggrieved by the impugned Judgment dated 19.06.2023 passed by the Court of the Principal City Civil and Sessions Judge at Bengaluru in Spl.CC.No.106/2015 acquitting respondent No.1/accused No.1 of the charge framed under Section 121 of IPC.



2. Heard both sides and perused the material on record, including the impugned judgment.

3. Charge sheet was filed against accused Nos.1 to 20 in connection with Crime No.165/2006 of Vijayanagar Police Station, Mysore, for offences punishable under Section 120B, 121, 121-A, 332, 353, 417, 419, 465, 471 r/w Section 114 of IPC, Sections 10, 16 and 20 of Unlawful Activities(Prevention) Act, 1967, Section 25(d), 25(1B) (a), (d) & (f), 27(2) and 28 of Indian Arms Act, 1959, Section 14(A) & (B) of Foreigners Act, 1946 and Section 5 of Foreigners Registration Act, Section 3 of Entry into India Regulations of 1950, Sections 12, 15(a) and (b) of Explosive Substances Act, 1908 and Section 4 of Prevention of Money Laundering Act, 2002.

4. Initially, the case was on the file of III Additional District and Sessions Judge Mysore, numbered as S.C.No.81/2007. Case against accused Nos.9 to 20 was split up as they were absconding and a separate split up



case came to be registered in C.C.No.208/2007 against them. Against accused Nos.1 to 8, the case was committed for trial and charges were framed against them. Accused Nos.4 to 8 were discharged from the case by this Court. Hence, the trial proceeded only against accused Nos.1 to 3. Later, the entire records were transferred to the Court of the Prl. City Civil and Sessions Judge, at Bangalore in view of the application filed under Section 43(2) and Section 43 (1) (c) of PML Act. Thereafter, Spl.C.C.No.106/2015 came to be registered. In the meanwhile, accused No.3 died and therefore, case against him was dismissed as abated. Again, case against accused No.2 came to be split up and registered as Spl.C.C.No.339/2017 and the trial continued only against the respondent/accused No.1.

5. In Spl.C.C.No.106/2015, the respondent/accused No.1 was held guilty of the offences punishable under Sections 120B, 121, 121-A, 332, 353, 465 and 471 of IPC, Section 25(d), 25(1B)(a), (d) & (f), Section 27(2) and 28



of Indian Arms Act, 1959, Section 14(A) & (B) of Foreigners Act, 1946 and Section 5 of Foreigners Registration Act, 1939. Separate sentences were imposed except under Section 121 of IPC.

6. It is not in dispute that the respondent did not challenge the conviction and sentence passed by the trial Court. He has undergone the entire sentence imposed in Spl.C.C.No.106/2015. However, the State preferred Criminal Appeal.No.48/2022 challenging the judgment and order insofar as not passing any sentence against the appellant for the offence punishable under Section 121 of IPC. This Court allowed the said appeal in-part vide judgment dated 20.02.2023 and while remanding the matter to the trial Court, observed that the learned Sessions Judge has not recorded any finding with regard to sanction under Section 196 of Cr.P.C. and not passed any sentence for the offence punishable under Section 121 of IPC nor whispered about the said provision.



7. After remand, the learned Sessions Judge vide impugned judgment has acquitted the respondent/accused No.1 of the charge framed under Section 121 of IPC, on the ground that there was no sanction obtained as required under Section 196(1)(a) of Cr.P.C to take cognizance for the offence punishable under Section 121 of IPC.

8. This Court while remanding the matter has specifically observed that the matter requires to be remanded to the learned Sessions Judge for passing fresh orders on the basis of the evidence already on record, without giving room for recording any further evidence.

9. There is a bar for taking cognizance of certain offences enumerated in sub-clause (a) to (c) of Section 196(1) of Cr.P.C.



Section 196(1) Cr.P.C. reads as under:-

Section 196(1) in The Code of Criminal Procedure, 1973:-

(1) No Court shall take cognizance of -

(a) any offence punishable under Chapter VI or under section 153-A, [section 295-A or sub-section (1) of section 505] [Substituted by Act 63 of 1980, Section 3, for "Section 153-B, Section 295-A or Section 505" (w.e.f. 23.9.1980).] of the Indian Penal Code (45 of 1860), or

(b) a criminal conspiracy to commit such offence, or

(c) any such abetment, as is described in section 108-A of the Indian Penal Code (45 of 1860), except with the previous sanction of the Central Government or of the State Government. [(1-A) No Court shall take cognizance of -(a) any offence punishable under section 153-B or sub-section (2) or sub-section (3) of section 505 of the Indian Penal Code, or (b) a criminal conspiracy to commit such offence, except with the previous sanction of the Central Government or of the State Government or of the District Magistrate.]

10. It is not in dispute that the offences under Sections 121 to 130 of IPC are the offences against the State mentioned in Chapter VI of IPC. Section 196(1)(a) provides that no Court shall take cognizance of any offence punishable under Chapter VI or under Sections



153A, 295A or sub-section (1) of Section 505 of Indian Penal Code.

11. As contemplated under the said provisions, no Court shall take cognizance of any offences punishable under Chapter VI of IPC, except with the previous sanction of the Central Government or of the State Government.

12. In the case on hand, the prosecution has obtained two sanction orders, i.e. one at Ex.P161 and another at Ex.P164. Ex.P161 is the sanction issued to prosecute the accused for the offences under the Arms Act, 1959 and Ex.P164 is a sanction issued to prosecute the accused for the offences under the Unlawful Activities (Prevention) Act, 1967, and the Passports Act, 1957. Undisputedly, there is no sanction obtained to prosecute accused No.1 for the offence punishable under Section 121 of IPC as required under Section 196(1)(a) of Cr.P.C. The learned Sessions Judge has considered the said aspect.



13. The trial Court after assigning reasons has passed the impugned judgment acquitting the respondent/accused No.1 of the charge framed under Section 121 of IPC. There is no illegality committed by the trial Court. No grounds are made out to interfere with the impugned judgment. Appeal is ***dismissed***.

**Sd/-
(MOHAMMAD NAWAZ)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**

MN, KVK
List No.: 1 Sl No.: 37