



CNR: KAHC010628802026

NC: 2026:KHC:51305
WP No. 28836 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 28836 OF 2026 (GM-RES)

BETWEEN:

SMT. VIJAYALAKSHMI DARSHAN
W/O DARSHAN,
AGED ABOUT 40 YEARS
R/AT NO.217, TOOGUDEEPA NILAYA
F ROAD, NEAR S S HOSPITAL 2ND STAGE
RAJARAJESHWARINAGAR,
BENGALURU -560 098.

(REPRESENTATIVE OF DARSHAN BEING HER WIFE
SINCE HE IS JUDICIAL CUSTODY,
CENTRAL PRISON, BENGALURU)

...PETITIONER

(BY SRI HASMATH PASHA, SENIOR ADVOCATE FOR
SRI NASIR ALI, ADVOCATE)

AND:

Digitally signed
by R.
MANJUNATHA
Location: HIGH
COURT OF
KARNATAKA

1. STATE OF KARNATAKA
BY KAMAKSHIPALYA POLICE STATION,
BENGALURU- 560 079

(REP. BY LD. SPECIAL PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU)

2. MR. KEVAL RAM DORJI
S/O JAYABAHADOUR DORJI,
AGE : 28 YEARS
SECURITY OFFICER IN
SATVA ANUGRAHA APARTMENT,



CNR: KAHC010628802026

NC: 2026:KHC:51305
WP No. 28836 of 2026

SUMMANAHALLI,
BENGALURU – 560 110,
R/AT NEAR INDIAN PETROL BUNK, ULLAL,
BENGALURU CITY – 560 110

3. CHIEF SUPERINTENDENT,
CENTRAL PRISON,
PARAPPANA AGRAHARA,
BENGALURU CITY – 560 100

...RESPONDENTS

(BY SRI. PRASANNA KUMAR P, SPECIAL PUBLIC PROSECUTOR
FOR R1;

SRI SURYA MUKUNDARAJ, ADDITIONAL PUBLIC PROSECUTOR
FOR R3;

NOTICE TO R2 IS DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA R/W SECTION 482
CODE OF CRIMINAL PROCEDURE PRAYING TO QUASH THE
ORDER DATED 17.08.2026 PASSED IN S.C.NO.1319/2024 VIDE
ANNEXURE-A, WHICH IS PENDING ON THE FILE OF HON'BLE
LVIIITH ADDL. CITY CIVIL AND SESSIONS JUDGE, AT
BENGALURU CITY (CCH-59) AND CONSEQUENTLY DIRECT THE
RESPONDENT NO.1 AND 3 TO PHYSICALLY PRODUCE THE
PETITIONER BEFORE THE HON'BLE COURT BELOW ON ALL
DATES OF TRIAL, TO MEET THE ENDS OF JUSTICE AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA



CNR: KAHC010628802026

**NC: 2026:KHC:51305
WP No. 28836 of 2026**

ORAL ORDER

Heard Sri Hashmath Pasha, learned Senior Counsel appearing on behalf of the petitioner, Sri P.Prasanna Kumar, learned Special Public Prosecutor appearing on behalf of respondent No.1 and Sri Surya Mukundaraj, learned Additional State Public Prosecutor for respondent No.3.

2. Petition is filed under Article 226 and 227 of the Constitution of India and Section 482 of Code of Criminal Procedure read with Section 528 of Bhartiya Nagarika Surksha Sanhita with the following prayer:

"To quash the order dated 17.08.2026 passed in S.C.No.1319/2024 vide Annexure-a, which is pending on the file of Hon'ble LVIIIth Addl. City Civil and Sessions Judge, at Bengaluru City (CCH-59) and consequently direct the respondent No.1 and 3 to physically produce the petitioner before the Hon'ble Court below on all dates of trial, to meet the ends of justice"

3. Having heard the arguments of both sides and also considering the peculiar facts and circumstances involved in the



CNR: KAHC010628802026

**NC: 2026:KHC:51305
WP No. 28836 of 2026**

present case, this Court directed the parties to file a list as to how do they propose to examine the material witnesses so as to make suitable arrangement for the cross examination of the material witnesses continuously after the examination-in-chief of all the material witnesses is concluded, on couple of days subject to the requisite time for the cross-examination of the material witnesses.

4. Pursuant to the same, on behalf of the petitioner, two lists are placed on record. One on 16.09.2026 referring to seven witnesses as under:

- "1. CW-76-Mr. Kiran
2. CW-91-Mr. Punith M.G.
3. CW-69-Mr. Nagendra Singh
4. CW-77-Mr. Mallikarjun
5. CW-78-Mr. Vijaykumar
6. CW-101-Mr. Babul Khan
7. If any approvers evidence"

5. Another list of four material witnesses along with memo is filed on 18.09.2026 of which CW168 Dr. Pradeep



CNR: KAHC010628802026

**NC: 2026:KHC:51305
WP No. 28836 of 2026**

Kumar to be examined at the first instance and Investigation officers - CW228 Mr. Sanjeev Gowda, CW232 Mr. Girish Naik, and CW233 Mr. Chandan Kumar N., may be at the end of the trial.

6. Copy of both the lists are furnished to Sri P. Prasanna Kumar, learned Special Public Prosecutor for respondent No.1.

7. Sri P. Prasanna Kumar, learned Special public prosecutor representing the first respondent has no objection to examine all material witnesses to complete the examination-in-chief of all material witnesses referred to in the list and any other material witnesses, if the prosecution so feels in a reasonable time.

8. He would further submit that those witnesses are ordered to be bound over so as to be available for cross-examination by the petitioner and other accused on consecutive days and on those days, physical presence of the present petitioner can be secured to the court.

9. Learned Additional State Public Prosecutor representing respondent No.3 would submit that whatever the



CNR: KAHC010628802026

directions issued by this Court would be adhered with adequate security to produce the present petitioner physically before the Court on the dates when the material witnesses are to be cross examined by the counsel for petitioner and other accused as well.

10. Having heard the submissions made on behalf of the parties, this Court is of the considered opinion that prosecution may examine all the material witnesses as per the list furnished by the petitioner and any other witnesses, if the prosecution feels that they are material witnesses and conclude their examination-in-chief. Cross examination of those witnesses are to be deferred and witnesses are to be bound over with a direction to appear on particular dates as is convenient to the parties as well as the learned Trial Judge.

11. Prosecution is also given liberty to examine or not any of the cited witnesses in the charge sheet.

12. Further, when once the examination-in-chief of all the material witnesses are completed, learned Trial Judge shall fix two or three consecutive dates for cross-examination of those material witnesses. Such dates shall be fixed by consent



CNR: KAHC010628802026

of advocates who represent the accused persons as well as the learned Special Public Prosecutor.

13. When once the witnesses appear for cross-examination on those dates, physical presence of the present petitioner, and if any request is made by any other accused need to be allowed by the learned Trial Judge.

14. It is also made clear that on the dates when it is fixed for cross-examination of the material witnesses, cross-examination of those witnesses shall be conducted positively without seeking further adjournments.

15. With the above discussion, following order is passed:

ORDER

- (i) Petition stands ***disposed of***.
- (ii) As undertaken by the prosecution before the Hon'ble Apex Court in this matter, prosecution should examine sixty witnesses which should include material witnesses submitted by the petitioner as per the list dated 16.09.2026 and 18.09.2026, except CW228, 232 and 233.



CNR: KAHC010628802026

- (iii) When once the seven witnesses mentioned in the list dated 16.09.2026 and CW168 in list dated 18.09.2026 is examined-in-chief, all those witnesses shall be bound over and two or three consecutive dates may be fixed by the Trial Judge in consultation with the counsels for accused as well as the Special Public Prosecutor and all those witnesses shall be cross examined in those dates positively.
- (iv) Learned Trial Judge is also permitted to extend a day or more, if the need arises for cross examination of those witnesses and conclude the same in a time bound manner.
- (v) On those dates when the cross-examination of the aforesaid material witnesses takes place, physical presence of the petitioner and any other accused who makes a request shall be arranged by respondent No.3 with necessary security arrangements.



**NC: 2026:KHC:51305
WP No. 28836 of 2026**

CNR: KAHC010628802026

- (vi) Learned Trial Judge may also permit the cross-examination of the material witnesses to be conducted, if need be, by holding in-camera proceedings.
- (vii) The discussion made in the above case resulting in disposing of the petition shall not be treated as precedent for similar matters, as the present directions are issued taking note of the sensitivity and peculiarity to the case on hand.

**Sd/-
(V SRISHANANDA)
JUDGE**

MR
List No.: 1 Sl No.: 89