



CNR: KAHC010632872026

NC: 2026:KHC:49411
CRL.P No. 13995 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO.13995 OF 2026

(482(Cr.PC) / 528(BNSS))

BETWEEN:

SRI. VENKATESH
S/O LAKSHMAIAH,
AGED ABOUT 42 YEARS,
R/AT GIDDENAHALLI VILLAGE,
DASANAPURA HOBLI,
BENGALURU NORTH TALUK,
BENGALURU DISTRICT - 562 162.

...PETITIONER

(BY SRI.MANJUNATH M.R, ADVOCATE FOR
SRI. NARASEGOWDA, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
BY, TAVAREKERE P.S,
MAGADI, TUMKUR,
REPTD. BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. M.V. ANOOP KUMAR, SPP)





THIS CRIMINAL PETITION IS FILED UNDER SECTION 482(FILED U/S.528 BNSS) CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO SET ASIDE THE ORDER DATED:24.08.2026 PASSED ON RECALL APPLICATION FILED U/S 313 OF CRPC IN S.C.NO.79/2013 BY THE LEARNED III ADDL DISTRICT AND SESSIONS JUDGE, RAMANAGARA AND TO ALLOW THE ABOVE APPLICATION FILED THEREIN FOR SUMMONING THE MATERIAL WITNESS TO CROSS EXAMINATION AND ETC.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

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

2. This petition is filed assailing the order dated 24.08.2026 rejecting the petitioner's application filed under Section 313 of the Code of Criminal Procedure, 1973 ('CrPC').



3. The application was filed to recall PW1 to PW4 for further cross examination on the ground that there are few contradictory statements in the charge sheet and the depositions and those aspects were not brought out in the cross examination due to inadvertence. The said application was opposed by the respondent-State on the ground that sufficient opportunity is given to the accused and there is no justifiable reason to recall the witnesses.

3. Learned counsel appearing for the petitioner would submit that the petitioner is tried for the offence under Section 302 of Indian Penal Code, 1860 ('IPC') and in case, he is not permitted to cross examine the witnesses, serious prejudice will be caused to the petitioner and the punishment for the said offences is either life imprisonment or death penalty.

4. Learned SPP would oppose the petition on the ground that sufficient opportunity is granted and the Trial Court has assigned valid reasons to reject the application.



5. The Court has considered the contentions raised at the bar and perused the records.

6. The case is based on circumstantial evidence. PW1 to PW4 are said to be the relatives of the deceased. As already noticed the petitioner is tried for the offence under Section 302 of the IPC. Though the Trial Court has noted that justifiable grounds are not made out to allow the application considering the consequence in the event of conviction, the Court is of the view that the slightly liberal approach may be adopted and petitioners be granted an opportunity to cross examine the PW1 to PW4 subject to the following conditions:

- i. All the witnesses are to be cross examined on the same day, without seeking any further adjournment.*
- ii. The cross examination shall only be confined to the matters which are not yet covered in the*



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cross examination which has already taken place.

iii. *The petitioner shall pay a cost of Rs.5,000/- (Rupees Five Thousand only) each, to the District Legal Services Authority. Payment of cost is a condition precedent for cross examination.*

6. Accordingly, the petition is **allowed** and the impugned order is quashed.

7. Trial Court shall fix the date for cross-examination of PW1 to PW4, if cost is paid.

Digitally Signed by ANANT
RAMNATH HEGDE on 17-09-2026

(ANANT RAMANATH HEGDE)
JUDGE

PK
List No.: 1 Sl No.: 4