



CNR: KAHC010705482025

NC: 2026:KHC:44125-DB
CRL.A No. 2165 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE H.P.SANDESH

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO.2165 OF 2025

BETWEEN:

1. SYED MOHAMMED IRSHAD
S/O SYED UMMER
AGED ABOUT 72 YEARS
R/O 23-3-158/3, SHAD MANZIL
1ST MAIN ROAD, SUBHASH NAGAR
PANDESHWARA, MANGALURU
DAKSHINE KANNADA
KARNATAKA 575 001.

...APPELLANT

(BY SRI. SIRAJUDDIN AHMED, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY ULLAL P.S.
REPRESENTED BY SPP
HIGH COURT BUILDING
BENGALURU-560 001.

...RESPONDENT

(BY SRI. VIJAYAKUMAR MAJAGE, SPP-II)

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by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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THIS CRIMINAL APPEAL IS FILED UNDER SECTION 454 OF CR.PC 1973 PRAYING TO SET ASIDE ORDER DATED 26.03.2024 PASSED BY THE TRIAL COURT IN THE III ADDL. DISTRICT AND SESSIONS JUDGE, D.K., MANGALURU IN S.C.NO.60/2020 ANNEXURE-F AND TO DIRECT THE RESPONDENT TO RELEASE THE PAYMENT OF RS.8,37,500/- WITH 18% INTEREST TO THE APPELLANT.

THIS APPEAL COMING ON FOR ORDERS THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH
and
HON'BLE MR. JUSTICE B.PRAMOD

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE H.P.SANDESH)

Heard learned counsel for the appellant and learned SPP-II for respondent.

2. This appeal is filed with delay of 520 days. When the application was filed by the petitioner for release of M.O.130, the same was rejected on the ground that still split-up case is pending and while disposing of the main case also, made an observation that M.O.130 should be preserved till the disposal of said case. Even though such reasoning is given, the present application is filed with the delay of 520 days and the delay caused in filing the appeal is not properly explained, except the counsel bringing to notice of this Court that



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Crl.P.No.12189/2025 which was disposed of on 25.09.2025, wherein an observation is made in paragraph No.4 of the order that, if the petitioner files an appeal within a period of three weeks from the date of receipt of certified copy of this order, the time spent in prosecuting the present proceeding shall stand excluded by extending the benefit of Section 14 of the Limitation Act, 1963. The order is very clear that appropriate proceeding has to be initiated within a period of three weeks. But, no explanation with regard to delay and the appeal is not filed in time and the same was filed only on 27.10.2025. Though the order on the application for release of M.O.130 was passed in the month of March, 2024, Crl.P.No.12189/2025 was filed in 2025 and no explanation with regard to the delay caused March 2024 till filing of the criminal petition and the same is not explained in the affidavit accompanying the application. Hence, question of condoning the delay does not arise and on the ground of delay, the appeal deserves to be dismissed.

3. Even on merits also, no ground is made out and while passing the impugned order made it clear that M.O.130 is



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to be preserved till the disposal of other connected split-up cases. When such order is passed by the Trial Court and also learned counsel appearing for the appellant would vehemently contend that still split-up case is pending. When such being the case, even on merits also, no ground is made out.

4. It is also clear that amount was seized at the instance of accused No.1 and the present application is filed for release of the amount by the father and he does not have any locus-standi to seek for release of the amount when the amount was seized at the instance of accused No.1. Hence, he is not entitled for release of the amount.

5. Accordingly, the appeal is ***dismissed***.

**Sd/-
(H.P.SANDESH)
JUDGE**

**Sd/-
(B.PRAMOD)
JUDGE**

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List No.: 1 Sl No.: 3