NC: 2025:KHC:54457
CRL.A No. 2536 of 2025

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 2536 OF 2025

BETWEEN:

SRI. PRAKASH H
S/O LATE HANUMAIAH
AGED ABOUT 34 YEARS,
R/AT ARKESHWARA COLONY,
CHURCH ROAD, 5TH CROSS,
RAMANAGARA TOWN,
BENGALURU SOUTH DISTRICT 562159

...APPELLANT

(BY SMT. MANORANJINI THOMAS KUNDAL., ADVOCATE)

AND:

Digitally signed by DHARMALINGAM
Location: HIGH COURT OF KARNATAKA

STATE OF KARNATAKA BY
CIRCLE INSPECTOR
RAMANAGARA RURAL POLICE
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
HIGH COURT BUILDING
AMBEDKAR VEEDHI
BENGALURU,
KARNATAKA -560001

...RESPONDENT

(BY SRI.RANGASWAMY R., HCGP FOR R1)

THIS CRL.A IS FILED U/S. 374(2) (FILED U/S. 415(2) BNNS) CR.P.C PRAYING TO ALLOW THE APPEAL AND SET ASIDE THE JUDGMENT OF CONVICTION DATED 19.11.2025 AND ORDER ON SENTENCE DATED 19.11.2025 PASSED IN C.C. No.1007/2025 BY ADDL. CIVIL JUDGE AND JMFC AT RAMANAGARAM AND ACQUIT THE APPELLANT / ACCUSED OF THE OFFENCE ALLEGED TO HAVE COMMITTED U/S.279, 337, 304-A OF IPC AND ETC.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

The appellant, who is the accused in C.C.No.1007/2016 has preferred this Criminal Appeal against the judgment of conviction and order on sentence dated 19.11.2025, passed by the Additional Civil Judge and JMFC., Ramanagara, for the offences punishable under Sections 279, 337, 304A of IPC.

2. Heard the learned Counsel for the appellant on the question of maintainability of the present appeal.

3. Section 374 of the Code of Criminal Procedure, 1973, read as follows:

> ***" 374. Appeals from convictions.***
> *(1) Any person convicted on a trial held by a High Court in its extraordinary original criminal jurisdiction may appeal to the Supreme Court.*
> *(2) Any person convicted on a trial held by a Sessions Judge or an Additional Sessions Judge or on a trial held by any other court in which a sentence of imprisonment for more than seven years [has been passed against him or against any other person convicted at the same trial] [Substituted by Act 45 of 1978, Section 28, for "has been passed", w.e.f. 18.12.1978.], may appeal to the High Court.*
> *(3) Save as otherwise provided in sub-section (2), any person, - (a)convicted on a trial held by a Metropolitan Magistrate or Assistant Sessions Judge or Magistrate of the first class, or of the second class, or*
> *(b) sentenced under Section 325, or*
> *(c) in respect of whom an order has been made or a sentence has been passed under Section 360 by any Magistrate, may appeal to the Court of Session.*
> *(4) [When an appeal has been filed against a sentence passed under section 376, section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB or section 376E of the Indian Penal Code, the appeal shall be disposed of within a period of six months from the date of filing of such appeal] [Inserted by Criminal Law (Amendment) Act, 2018 (22 of 2018), dated 11.8.2018.]"*

4. In view of sub-section (3) of Section 374 of Cr.P.C., an appeal against the judgment of conviction and order on sentence passed by the learned Magistrate, lies to the Court of Sessions. Hence, I proceed to pass the following:

ORDER

(i) The Criminal Appeal before this Court against the judgment of Conviction and order on sentence passed by the Trial Court for the offence under Sections 278, 337 and 304A of IPC is not maintainable.

(ii) Accordingly, the Criminal Appeal is dismissed.

(iii) However, the Appellant is permitted to prefer an appeal before the Court of Sessions.

(iv) The appellant is permitted to avail the benefit of the provisions of Section 14 of Limitation Act, 1963.

(v) Office is directed to return the certified copies/original documents, if any, to the appellant while retaining a copy.

Sd/-
(G BASAVARAJA)
JUDGE

DL
CT: JL