HC-KAR

NC: 2026:KHC:22895
CRL.P No. 533 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 533 OF 2026

BETWEEN:

1. SRI. VENKATASHIVA REDDY
   S/O CHINNAPPA REDDY
   AGED ABOUT 50 YEARS
   R/AT NO.364/7, V.V. NAGAR COLONY,
   KUKATPALLY HYDERABAD,
   TELANGANA - 500 072.

2. CHALLICHAM MADHUBABU @MADHU
   S/O. CHALICHAM BRAMMAYYA
   AGED ABOUT 47 YEARS
   R/AT NO.9-49, 10TH LANE
   THIMMASAMUDRAM
   ANDHRA PRADESH
   PIN - 523 185.

...PETITIONERS

(BY SRI. RAMESH N., ADVOCATE)

Digitally signed by SANJEEVINI J KARISHETTY
Location: HIGH COURT OF KARNATAKA

AND:

STATE OF KARNATAKA
BY R.T. NAGAR POLICE STATION
BANGALORE
(REPRESENTED BY SPECIAL PUBLIC PROSECUTOR)
HIGH COURT OF KARNATAKA
BENGALURU - 560 001

...RESPONDENT

(BY SRI. ANOOP KUMAR, HCGP)

THIS CRL.P IS FILED U/S 482 CR.P.C. (FILED U/S 528 BNSS) PRAYING TO QUASH THE ENTIRE SPLIT UP CHARGE SHEET PROCEEDINGS IN S.C.NO.988/2023 PENDING BEFORE HONBLE CITY CIVIL JUDGE AT BENGALURU (CCH.69) FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTIONS 143, 504, 114, 307 AND R/W SECTION 149 IPC, ON THE ORDERS PASSED IN MOTHER PROCEEDINGS IN S.C.NO.565/2017 WHICH WAS ENDED IN ACQUITTAL AGAINST A-1 TO 3, 5 ON 28/06/2023.

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioners/accused Nos.4 and 6 are now at the doors of this Court calling in question the continuance of proceedings in S.C.No.988/2023 registered for offences punishable under Sections 143, 504, 114, 307 read with Section 149 of the Indian Penal Code, 1860 ('the IPC' for short).

2. Heard Sri. Ramesh N. learned counsel appearing for the petitioners and Sri. Anoop Kumar, learned High Court Government Pleader appearing for the respondent.

3. The petitioners/accused Nos.4 and 6 at the relevant point in time were not available for trial. The plea is that they were never served summons and therefore, they did not know the pendency of the proceedings. Be that as it may.

4. The concerned Court tries the accused, who are available for trial and closes the proceedings in S.C.No.565/2017 by rendering an order of acquittal in terms of its order dated 11.07.2023. The reason so rendered by the concerned Court to acquit the other accused is as follows:

"**R E A S O N S**

9. POINT NOS.1 & 2 :- As these points are interconnected to each other, they are taken up together for discussion, so as to avoid repetition of facts.

It is the case of prosecution is that, accused No.1 is running a Club Patel's Club at R.T.Nagar. On 17.10.2015 at about 1.00 p.m the complainant Mallaka Reddy had gone to Patel's Club for playing cards. Thereafter, quarrel took place between the complainant and cashier with regard to coin. Accused No.1 came there and picked up quarrel with the complainant and abused him in filthy language and threatened the complainant with dire consequences of life. At about 11.30 p.m when the complainant was in his room situated at Room No.201, 2nd Floor, The Sai Leela Suites, 7th Cross, H.M.T. Layout, R.T.Nagar, Bengaluru, accused No.1 to 6 with a vengeance came to his room as if they are going to compromise the matter. At that time again quarrel took place between the complainant and accused No.1. Accused Nos.2 to 6 provoked accused No.1 to beat the complainant. At that time, accused No.1

took a bottle and assaulted on the head of the complainant and caused bleeding injuries with an intention to kill the complainant. Hence, complainant filed the complaint.

10. In order to prove the guilt of the accused persons, the prosecution has examined 8 witnesses as PWs.1 to 8 and got marked documents as per Exs.P.1 to P.13 and MOs.1 to 3. PW.1 and PW.2 are the panch witnesses to the spot and seizure mahazars. PWs.1 and 2 have identified their signatures on the mahazar. The same are marked as Ex.P.1. They further deposed that, about 4 years back when they had been to Gujari shop at R.T.Nagar, the police have taken their signatures on Ex.P.1. They do not know why the police have taken their signatures. They do not know the contents of Ex.P.1. The police have not recovered any materials in their presence. PWs.1 and 2 turned hostile to the case of the prosecution. They have not supported the case of the prosecution. These witnesses are testified by the learned Public Prosecutor. But they have not given any material admission. Hence, the evidence of these witnesses is not helpful to the case of the prosecution.

11. PW.3 is the head constable of R.T.Nagar Police Station. He deposed on oath stating that, on 17.10.2015 at about 8.30 p.m himself and P.C.4536 were on Hoysala duty. At about 1.50 a.m P.S.I of his Police Station called him over phone and informed him to go near Sai Leela Hotel. Immediately, himself and P.C.4535 went to Sai Leela Hotel. There one Venkatesh Reddy had sustained injuries on his head and fallen down. Thereafter, they shifted Venkata Reddy to Dr.Ambedkar Medical Hospital for treatment and later brought him to the Police Station. On the same day, he received information from the informant that accused Ramachandra and Shivareddy are at H.M.T. Layout, near V.V.Park. Thereafter, they went to the said spot and arrested both the accused persons and produced before P.S.I and submitted the report.

This witness is testified by the learned counsel for the accused. At that time, he deposed that, when he went to the spot about 50 persons were walking in the park. The two accused persons were wearing white colour shirt. He has not mentioned about the dress worn

the accused persons in their report. At the time of arrest they have not given any memo to the accused persons. He has not intimated the neighbours about arrest of accused persons. He brought the accused persons to the Police Station in Hoysala vehicle-101. He has not verified the I.D card of the accused persons regarding name and address of the accused persons. When they went near Leela Hotel, the injured Venkatesh Reddy had come out of the hotel. He has not enquired the hotel manager or staff about the incident. He has not asked the injured how he sustained injuries and where he sustained injuries. He do not know whether Venkatesh Reddy had gone to the hotel or not. When he had gone to Dr.Ambedkar Hospital, he has not given any information to the doctor. On 17.10.2015 he had taken Venkatesh Reddy to the hospital. The doctor has given treatment for about ½ an hour. He do not know whether the doctor has taken the statement of the injuries or not. The shirt worn by Venkatesh Reddy was blood stained. He has not recovered the shirt worn by Venkatesh Reddy. The remaining suggestion is denied by this witness. The material admission goes to show that, he has not properly followed the procedure at the time of arrest of the accused persons. He has not recovered the blood stained clothes of the injured on the spot.

12. PW.4, PW.7 and PW.8 are the Managers and staff of Sai Leela Suites. They deposed on oath stating that, they were working as Managers and staff respectively. They do not know CW.1 Venkatesh Reddy. They have not seen the accused persons and they are not able to identify the accused persons. During 2015 R.T.Nagar police called them and enquired about the incident. They deposed that, at the time of incident they were not in the hotel. One Ravikumar was the Manager in the said Hotel. They have disclosed the true facts that they were not present at the time of incident. They are not able to identify the material objects. They turned hostile to the case of the prosecution. These witnesses are testified by the learned Public Prosecutor. But they have not given any material admission. Hence, the evidence of these witnesses is not helpful to the case of the prosecution. The evidence of these witnesses goes to show that, though these witnesses are eye witnesses to

the incident, they have not supported the case of the prosecution.

13. Now, I would like to discuss the evidence of PW.6 H.C. He deposed on oath stating that, from June 2014 to March 2017 he was working as P.C in R.T.Nagar Police Station. P.I had instructed him to take the articles to R.F.S.L, Mysore. Thereby, he took the said articles and submitted the same to R.F.S.L, Mysore and returned back to his Police Station and submitted the report to his P.I. The articles were broken glass pieces, blood stained towel and one blood stained panche. This witness has identified the acknowledgment which is marked as Ex.P.11. He has identified the material objects which are marked as MOs.1 to 3.

This witness is testified by the learned counsel for accused. At that time he deposed that, the P.I has not given him any memo to go to Mysore. The P.I had sealed the articles and given to him. He went to Mysore in a bus. He has not given bus warrant to the PI. The remaining suggestion is denied by this witness. The evidence of this witness is not material to discuss in detail.

14. Now, I would like to discuss the evidence of PW.5. He deposed on oath stating that, from July 2014 to October 2016 he was working as P.S.I. in R.T. Nagar Police Station. On 17.10.2015 he was on night patrolling duty. At about 1.30 he received the phone call about the galata taken place near Sai Leela Suites. Immediately he went to the said place along with his staff. At that time, one Mallaka Reddy had sustained injuries. Thereafter, he sent Mallaka Reddy to Dr.Ambedkar Hospital for treatment in Hoysala vehicle. Thereafter, he also went to Ambedkar Hospital and recorded the statement of the injured Mallaka Reddy in the presence of the doctor and obtained his signature. He returned to the Police Station at about 3.30 a.m. Thereafter, he registered the case in Cr.No.3343/2015. The injured had given statement in Hindi. Thereby, he translated it to Kannada language and obtained the signature of the injured. Thereafter, he sent the F.I.R to the Court. Thereafter, he deputed his staff to trace out the accused persons.

15. On the same day at about 5.30 a.m his staffs CW.12 and CW.13 produced accused Sriramachandra Rao and K.Venkatashiva Reddy before him along with a report. He enquired the accused persons and conducted arrest procedure. This witness has identified the complaint and F.I.R. The same are marked as Exs.P.4 and P.5 respectively. He has identified the report given by CW.12. It is marked as Ex.P.2. Later on, he went to the spot. He secured panchas CW.7 and CW.8 to the spot. The complainant/injured showed the spot. Thereby, he conducted spot mahazar in the presence of panchas. At the place of incident some blood stained bottle pieces were scattered. The same is collected by him. He seized the blood stained panche which was worn by the complainant. He conducted mahazar from 10.30 a.m to 11.40 a.m. He has identified the said mahazar. The same is marked as Ex.P.1. Thereafter, he subjected the seized material objects to P.F.No.111/2015. He has identified the material objects. The same are marked as Mos.1 to 3. On the same day he recorded the statements of CWs.3 to 5. On the same day he produced accused Nos.1 and 3 before the Court. He deputed his staff to trace out the vehicle which was used for commission of the offence. On 19.10.2015 on the information given by his staff he secured panchas CWs.9 and 10 and went to H.M.T Layout, 6th Main Road, near Sharadha Apartment. There he seized the Tereno Silver colour car bearing Reg.No.KA-04-MN-5850 in the presence of panchas. He conducted mahazar between 5.30 to 6.30. He brought the seized car to the Police Station and subjected to P.F.No.113/2015. This witness identified the said mahazar. The same is marked as Ex.P.6. He has identified the photo of the said vehicle. The same are marked as Exs.P.7 and P.8. He has conducted the mahazar at the time of releasing the vehicle in favour of the owner of the vehicle. The said mahazar is marked as Ex.P.9. He has conducted the said mahazar on 23.11.2015 at about 10.00 a.m to 11.00 a.m. He further deposed that, on 06.11.2016 he received the wound certificate of the injured from A.M.C Hospital. The said wound certificate is marked as Ex.P.10. On 9.11.2015 he sent the seized articles i.e., item Nos.1 to 3 in P.F.No.111/2015 to F.S.L. On 18.10.2015 he has recorded the statements of CWs.3 to 6, 12 and 13. On 19.10.2015 he has recorded the statements of CW.2 and

CW.6. On 18.10.2015 Cws.12 and 13 produced accused Nos.2 and 4 before him by submitting a report. Thereafter, he conducted the arrest procedure and later he produced accused Nos.2 and 4 to 8th ACMM Court, Bengaluru. After completing the investigation on 19.12.2015 he submitted the charge sheet against the accused persons before the court. He deposed that he can identify the accused persons.

16. This witness is testified by the learned counsel for the accused persons. At that time he deposed that, at about 1.30 a.m he received information from Control Room regarding galata taken place near Sai Leela Hotel. At that time, he was on patrolling duty at Ganganagar 5th Main Road. He took 10 minutes to go to the place of incident. He was alone doing patrolling duty. He asked Hoysala vehicle to come to the place of incident. H.C.5735 Syed Rafi and P.C 4536 Anand Murthy were in Hoysala vehicle. They came to the place of incident. He has not mentioned in the final report regarding H.C and P.C came to the said place. He shifted the injured to Ambedkar hospital for treatment by sending request letter. He has not enclosed the request letter which was sent to the doctor along with charge sheet. The remaining suggestions put by the accused counsel is denied by this witness. The injured has given complaint in the presence of doctor to CW.11. The injured has given complaint in Hindi language. Later on he has translated the same to Kannada language. He deposed that on 18.10.2015 he has recorded the statement of injured in the presence of doctor and came to the Police Station and registered case in Cr.No.343/2015. He is not having any document to show that he was present before the doctor. He has not produced any memo to show that he has deputed CWs.12 and 13 to trace out the accused persons. He has not issued any notice to the panchas CWs.7 and 8 to act as panchas. He deposed that the panchas were at the spot. The place of incident is a private hotel. CW.7 and CW.8 were not working in the said hotel. Before conducting mahazar, he has not given notice to the Manager of the hotel or the panchas. He denied the suggestion that, he has not gone to the spot and not conducted spot mahazar in the presence of panchas. He has recovered the blood stained bottles from the spot. MO.1 is not glass bottle. It is glass. He

denied the suggestion that he has created the glass pieces for the purpose of this case. He has not recovered the entire bottle and cap. There were no blood stains on MO.1. There is no document to show that the Manager has supplied alcohol bottles. He has produced the towel in which he wiped the blood stains. He further deposed that, has not produced the voluntary statements of the accused persons before the court. CW.1 has given his further statement by typing the same. He has given any endorsement to the injured after translating the Hindi statement into Kannada. The complainant has not signed on his further statement. He denied the suggestion that he has created the further statement of the injured for the purpose of this case. He has not given any document regarding the vehicle seized in this case. He deposed that on 06.11.2015 he secured the wound certificate of the injured from A.M.C Hospital. The other suggestions are denied by this witness.

17. The entire evidence of I.O clearly goes to show that, there are so many omission and contradictions in the evidence of this witness. The I.O has not properly conducted the investigation. The material admission on the part of the I.O is sufficient to hold that the prosecution is not able to prove the guilt of the accused beyond all reasonable doubt.

18. Another point to be noted here, in this case even though summons were issued to CW.1 and CW.2, the prosecution is not able to secure them inspite of sufficient opportunity. Hence, the evidence of CWs.1 and 2 is dropped. Only on the evidence of I.O it is not possible to hold that the prosecution is able to prove the guilt of the accused beyond reasonable doubt. Other witnesses examined by the prosecution Pws.4, 7 and 8 are Hotel Managers and staff. They turned hostile to the case of the prosecution. Both PWs.1 and 2 have also turned hostile to the case of the prosecution. PWs.3, 5 and 6 are the police officials. They deposed about the registration of the case, arrest of the accused persons, conducting mahazars and submitting final report. The evidence of these witnesses are not sufficient to hold that the accused persons are assaulted the injured with bottle at the relevant point of time. Moreover, the prosecution is not able to recover any material objects

based on the statement of the accused persons. The prosecution placed bottle pieces, blood stained towel and panche. These material objects are not sufficient to hold that the accused persons have assaulted the CW.1 by deadly weapons. Moreover, the I.O examined in this case as PW.5. He is not able to collect any documentary evidence to show that the injured was occupant in a room in the said hotel. Moreover, the I.O has not recorded the statement of Manager of the said Hotel. He is not able to obtain any documents to show that the injured was staying in the said hotel as on the date of incident. There are so many contradictions and omissions in the evidence of this witness. This is sufficient to hold that the I.O has not properly conducted the investigation and submitted charge sheet against the accused. There are no materials to show that the accused persons have assaulted the injured as on the date of incident.

19. The oral testimony of Pws.1 to 8 and Exs.P.1 to P.13 and Mos.1 to 3 are not sufficient to hold that the prosecution is able to prove the guilt of the accused beyond reasonable doubt. There is no iota of evidence on the side of the prosecution to believe that the accused persons have committed the alleged offences as stated by the prosecution. At the same time, there are so many contradictions and omission in the evidence of the prosecution witnesses. Thereby, this court come to the conclusion that the case of the prosecution is not believable one. Thereby, I would like to mention that the prosecution has utterly failed to prove the guilt of the accused persons beyond all reasonable doubt. The benefit of doubt is given in favour of the accused Nos.1 to 3 and 5. Thereby, I come to the conclusion that there are no materials placed by the prosecution to prove the guilt of the accused Nos.1 to 3 and 5. Hence, I answer **Points No.1 & 2 in the Negative.**

20. POINT NO.3 :- In view of the above discussion on Points No.1 & 2, I proceed to pass the following:-

O R D E R

Acting under Sec.235(1) Cr.P.C. accused Nos.1 to 3 and 5 are acquitted for the offences punishable U/Secs.143, 114, 307 & 504 r/w 149 of IPC.

> Bail bonds of accused Nos.1 to 3 and 5 and their sureties bonds shall stands cancelled forthwith.
>
> MOs.1 to 3 are ordered to be preserved till disposal of the case against accused Nos.4 and 6."

5. The petitioners/accused Nos.1 to 6 were all charged of similar offences. The concerned Court holds that the prosecution has miserably failed to prove the guilt beyond all reasonable doubt and therefore, acquits the other accused. If the other accused on the aforesaid reason have been acquitted, it cannot be that the petitioners if permitted to be tried would get convicted on the same evidence.

6. The view of mine, in this regard, is fortified by the judgment rendered by a Co-ordinate Bench of this Court in Crl.P.4796/2017 wherein the Co-ordinate Bench considering identical set of facts has held as follows:

> "12. Having heard the learned Advocates appearing for parties and on perusal of records it would disclose that petitioner/accused was never traced and non-bailable warrant issued against him was never executed. Hon'ble Apex Court in the case of **CENTRAL BUREAU OF INVESTIGATION vs AKHILESH SINGH** reported in **AIR 2005 SCC 268** has held quashing of charge and order discharging co-accused can be passed, if the proceedings initiated against co-accused is on similar allegations and if said judgment had reached finality. It is also

held that discharge of a co-accused by the High Court by holding that no purpose would be served in further proceeding with the case, is just and proper. In another ruling in **MOHAMMED ILIAS vs. STATE OF KARNATAKA** reported **in (2001) 3 Kant LJ 551** this Court has held as under:

> "The petitioner is the accused in the case and he is shown to be the absconding. Therefore, the case against the petitioner was split up and charge-sheet was laid against other available accused Nos.1 and 3 for committing an offence punishable under Sections 498A and 307 IPC r/w 34 Indian Penal Code, 1860. After the trial, the Sessions Judge acquitted the accused Nos.1 to 3. The petitioner was arrested and proceedings were revived against him in the split charge sheet.... In the instant case also, the full pledged trial was held against accused Nos.1 to 3, in respect of the same offence. In the second round of trial against the petitioner, the evidence to be produced cannot be different from the one that was produced by the prosecution in the earlier case. Therefore, in that view of the matter, the proceeding is quashed."

13. Yet, in another ruling **THE STATE OF KARNATAKA vs. K.C.NARASEGOWDA** reported in **ILR 2005 Kar. 1822** this Court has held to the following effect:

> "As the case before the Sessions Judge is not a pending case, he cannot keep the file any longer pending nor he can close the case as he has to await appearance of the accused or the production by the

> State, for passing orders regarding undergoing sentence. As such, considering these peculiar facts and circumstances, it is deemed proper to exercise the inherent jurisdiction under Section 482 of Cr.P.C. instead of jurisdiction under Section 385 of Cr.P.C. in the interest of justice. As the entire material evidence of the prosecutions is one and the same, as against all the accused including the non-appealing accused No.1, who is said to be absconding, there is no second opinion that he is also entitled for the same benefit of doubt as he is extended for his co-accused. Accused acquitted by giving benefit of doubt."

14. In this background, when the facts on hand are examined, it would clearly indicate that not only complainant but also other witnesses including the inmates of ambulance in which they were travelling on the date of incident, had turned hostile in the proceedings which was continued against co-accused. Though, P.W.1 – complainant had admitted that he has lodged a compliant as per Ex.P-1 and had also admitted that he has given a statement identifying the accused before the Investigation Officer, he did not identify the accused persons present before Court. In fact, statements given by him as per Exs.P-2 to P-4 when confronted, he denied the same and had also denied the suggestion put by the public prosecutor that he had furnished the statements as per Exs.P-2 to P-4 as false. P.W.2 to P.W.8 had not identified the accused persons present before the jurisdictional Sessions Court. In fact, they have not even identified the statements made by them before the Investigating Officer and nothing worthwhile has been elicited in their cross-

examination to disbelieve their evidence. Thus, taking into consideration said evidence available on record Sessions Court had arrived at a conclusion that evidence of the witnesses examined by prosecution would not come to their assistance. In fact, witnesses to the seizure panchnama - Ex.P-40, who were examined as P.W.16 and P.W.17, have also turned hostile and they have stated that police had called them a year back to the police station and when they went to the police station, they had not seen any accused persons in police station. However, they admit police having taken their signatures on the papers and contents of it were not known to them.

15. It is in this background, trial Court on appreciation of entire evidence had acquitted all the accused persons by holding that prosecution had failed to prove the offence alleging accused persons beyond reasonable doubt attracting the ingredients of provisions of the offence alleged against them. In fact, Sessions Court has observed that there was certain communal disturbance in Dakshina Kannada district and other places at Bantwal Taluk and to please on community of people, the Investigating Officer might have falsely implicated the accused persons in a false case or to avoid the blame to be received from the public or other community people and such possibilities cannot be ruled out. In this background, when prayer of petitioner sought for in the present petition is examined, it can be noticed that contents of supplementary charge sheet filed against the petitioner is similar, identical and in fact, it is replica of charge made against accused Nos.1 to 23 and 25 to 33, who15 were tried in S.C.No.12/2007, 94/2007 and 26/2008 and had been acquitted.

16. In that view of the matter, this Court is of the firm view that judgment rendered by trial Court insofar as it relates to accused Nos.1 to 23 and 25 to 33 is similar and identical to the charge made against the present petitioner. This Court does not find any independent or separate material having been placed by the prosecution against present petitioner to put him on trial once again and directing the petitioner-accused to undergo the order of trial, which ultimately would fetch same result as that of accused Nos.1 to 23 and 25 to 33. When allegation made against accused Nos.1 to 23 and 25 to 33 is compared with the allegation made against present petitioner, it has to be necessarily held that they are identical, similar and inseparable in nature and no independent decision can be taken against the present petitioner. Therefore, no purpose would be served even if the present petitioner is ordered to be tried by the trial Court.

17. In view of the afore stated facts and the law laid down, as discussed hereinabove, it would emerge that there would be no harm or injustice that would be caused to prosecution if benefit of acquittal order is passed in favour of accused – petitioner, since accused Nos.1 to 23 and 25 to 33 against whom similar allegation had been made is already acquitted. Though, it is contended by Sri. Rachaiah, learned HCGP appearing for the State that petitioner should not be extended said benefit, since he is an absconder, by relying upon judgment of Coordinate Bench this Court is not inclined to accept said contention for single reason that said judgment had been rendered based on the judgment of Apex Court in the case of **DEEPAK RAJAK vs. STATE OF WEST BENGAL** reported in **(2007) 15 SCC 305** where under Apex Court after noticing the facts obtained in the said case, had held that benefit of acquittal, should be extended to the appellant, since co-

accused had been acquitted and held that a departure can be made in cases where accused has not surrendered **"after conviction"** in addition to not filing an appeal against the conviction. As such, noticing earlier position of law laid down it was held by the Apex Court that in case of acquittal of a accused for same offence on same set of facts and on similar accusations, if considered, it would entile for acquittal of co-accused also.

18. In that view of the matter, present proceedings initiated against petitioner is liable to be quashed.

Hence, I proceed to pass the following:

ORDER

(i) Criminal petition is hereby allowed.

(ii) Proceedings in C.C.No.1170/2007 pending on the file of Addl. Civil Judge & JMFC, Bantwal, in Cr.No.130/2006 registered by Bantwal Rural Police Station, is hereby quashed insofar petitioner is concerned.

In view of criminal petition having been disposed of on merits, I.A.No.1/2017 for stay does not survive for consideration and same stands rejected."

The Co-ordinate Bench was considering a case where the co-accused, who had escaped trial had not surrendered or was not arrested by the police.

7. In the light of there being no evidence against any of the accused and the split up charge against the petitioners

being tried now before the learned Sessions Judge would become an exercise in futility. In the teeth of there being no evidence or a specific charge against these petitioners, that was not charged against others and to save precious judicial time, I deem it appropriate to obliterate the proceedings against the petitioners/accused Nos.4 and 6 accepting the subject petition filed under Section 482 of the Cr.P.C.

8. For the aforesaid reasons, I pass the following:

ORDER

(i) Criminal Petition is ***allowed***.

(ii) Proceedings in S.C.No.988/20023 pending before the LXVIII Additional City Civil and Sessions Judge at Bengaluru City, stands quashed, *qua* the petitioners/accused Nos.4 and 6.

Sd/-
(M.NAGAPRASANNA)
JUDGE

JY
List No.: 2 Sl No.: 9