HC-KAR
NC: 2026:KHC:61306
CRL.P No. 4283 of 2025
CNR: KAHC010194102025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 4283 OF 2025 (482(Cr.PC) / 528(BNSS)-)

BETWEEN:

SRI CHAITANYA
S/O. HARINATH,
AGED ABOUT 31 YEARS,
C/O. LIFE CARE HOSPITAL,
BB ROAD VIDYANAGAR CROSS,
PWD QUARTERS,
BH ROAD, WELCOM BOARD,
GOWRIBIDANUR-561 208.

...PETITIONER

(BY MS. DEEPTHI.V., ADVOCATE FOR
SRI. NAGABHUSHANA S., ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY HALSURGATE POLICE,
N.R. ROAD, CUBBONPET,
BANGALORE-1
BY STATE PUBLIC PROSECUTOR

...RESPONDENT

(BY SMT. RASHMI PATEL., HCGP)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO ALLOW THE PETITION AND SET ASIDE OF THE ORDER OF REJECTION OF REVISION PETITION UNDER SECTION 397 OF CRIMINAL PROCEDURE CODE ON 10.10.2024 BY THE HONBLE LXIII ADDL.CITY CIVIL AND SESSIONS JUDGE (CCH-64), AT BANGALORE PASSED IN CRIMINAL REVISION PETITION NO.244/2023 AND SET ASIDE OF THE ORDER OF REJECTION OF APPLICATION FILED BY THE PETITIONER UNDER SECTION 451 AND 457 OF CRIMINAL PROCEDURE CODE ON 01.04.2024 BY THE

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HONBLE 1ST ADDITIONAL CHIEF METROPOLITAN MAGISTRATE, AT BANGALORE PASSED IN CC NO.19814/2023.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The Petitioner is before this court seeking for the following reliefs:

i. To allow the petition and set aside of the order of rejection of revision petition under section 397 of Criminal Procedure Code on 10.10.2024 by the Honble LXIII Addl.City Civil and Sessions Judge (CCH-64), at bangalore passed in Criminal Revision Petition No.244/2023 and set aside of the order of rejection of application filed by the petitioner under section 451 and 457 of Criminal Procedure Code on 01.04.2024 by the Honble 1st Additional Chief Metropolitan Magistrate, at Bangalore passed in Cc No.19814/2023.

2. The petitioner claims to have filed an application under Sections 451 and 457 of the CrPC seeking release of the amount seized during the investigation. The investigation was initiated pursuant to complaints lodged by the petitioner and several other persons alleging that the accused had cheated them. The application filed by the petitioner came to be rejected by the learned Magistrate on 01.04.2024. Aggrieved thereby, the petitioner preferred Criminal Revision Petition No.244/2023, which was also dismissed by the Revisional Court on

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10.10.2024. It is challenging both the orders that the petitioner is before this Court.

3. Learned counsel for the petitioner submits that the petitioner had paid a sum of ₹35,30,000/- to the accused, having been induced by the latter's representation that a new rice machine had been procured. It is submitted that, since criminal proceedings have now been initiated against the accused and amounts have been seized during the investigation, the amount paid by the petitioner ought to be released in his favour.

4. Smt. Rashmi Patel, learned High Court Government Pleader, opposes the petition and submits as follows:

   4.1. The petitioner has not placed any material on record to establish the source of the funds allegedly paid to the accused or to demonstrate that the accused had received the amount claimed. In the absence of such material, the orders passed by the learned Magistrate and the Revisional Court do not call for interference.

   4.2. Learned HCGP further submits that CW9 had filed an application for release of the amount and had produced documents in support of the

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payments made by him. The learned Magistrate released the amount in favour of CW9. Consequently, no amount remains in the custody of the learned Magistrate for release to the petitioner.

5. Heard Ms. Deepthi V., learned counsel for the petitioner, and Smt. Rashmi Patel, learned High Court Government Pleader for the respondent. Perused the papers.

6. A perusal of the order dated 01.04.2024 passed by the learned Magistrate indicates that the application was rejected on the ground that, at that stage, it was difficult to determine whether the petitioner was the owner of, or otherwise entitled to, the amount claimed. The learned Magistrate was of the view that the question of entitlement could be determined only after trial. It was also noticed that a similar application filed earlier by the petitioner had been rejected.

7. The Revisional Court, while dismissing the revision petition by its order dated 10.10.2024, observed that the petitioner had not specified the amount allegedly invested by him with supporting particulars or produced documents establishing the claim. The

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claim was stated to be a lump-sum amount unsupported by documentary material.

8. The charge sheet does not specifically disclose the amount allegedly invested by the petitioner. Further, the trial has already commenced. The Revisional Court, in that circumstance, was of the view that the petitioner's claim could not be determined in the absence of supporting particulars and that the same would have to be established in the course of trial.

9. The petitioner claims that the amount was raised by selling the gold jewellery belonging to his wife. However, no acknowledgment or other material has been placed on record to establish that the accused received the amount claimed by the petitioner. There is also no material specifying when the amount was allegedly paid, the manner in which it was paid, or the exact amount received by the accused.

10. These are material aspects which the petitioner is required to establish. The mere assertion that the petitioner raised funds by selling gold jewellery does not establish that the amount was thereafter paid to, or received by, the accused. The source of the funds and the alleged payment to the accused are distinct matters, both of which require supporting material.

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11. The petitioner would, however, be at liberty to establish during the course of trial the amount, if any, paid by him to the accused and to seek appropriate relief in accordance with law. The question of his ultimate entitlement to any amount shall be considered by the competent Court on the basis of the evidence and material placed before it.

12. In view of the above, this Court does not find any infirmity in the orders passed by the learned Magistrate or the Revisional Court warranting interference in the present proceedings. The petition is accordingly ***dismissed***, reserving liberty to the petitioner to establish his claim in accordance with law.

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(SURAJ GOVINDARAJ)
JUDGE

SR
List No.: 1 Sl No.: 30