HC-KAR
NC: 2026:KHC:64387
CRL.P No. 3994 of 2021
CNR: KAHC010199222021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.3994 OF 2021

BETWEEN:

1. S.T. SHIVARAMU,
   S/O LATE THIMMAIAH,
   AGED ABOUT 67 YEARS,
   PERMANENT ADDRESS:
   SUNDALLI VILLAGE,
   MANDYA TALUK AND DISTRICT,
   PIN-570043.

…PETITIONER

(BY SRI. VIDYASAGAR H.V., ADVOCATE FOR
SRI. KEMPARAJU, ADVOCATE)

AND:

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

1. STATE OF KARNATAKA,
   BY MANDYA RURAL POLICE STATION,
   REP. BY ITS STATE PUBLIC PROSECUTOR,
   HIGH COURT COMPLEX,
   BENGALURU-560001.

2. PUTTASWAMY @ YOGA GURU,
   S/O LATE NINGE GOWDA,
   AGED ABOUT 46 YEARS,
   R/AT NEAR AYURVEDIK HOSPITAL,
   HOSAHALLI, MANDYA DISTRICT,
   PIN CODE-571114.

…RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SRI. KESHAVA CHANDRA S.P., ADVOCATE FOR
SRI. H.C.SHIVARAMU, ADVOCATE FOR R2)

CNR: KAHC010199222021

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO SET ASIDE THE ORDER DATED 21.01.2021 BY THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE, MANDYA, IN CR.NO.541/2015 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 143, 147, 148, 506, 504 R/W SECTION 149 OF IPC AND SECTION 3(1)(x) OF SC/ST (POA) ACT.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

This petition is filed by the complainant praying this Court to set aside the order of dismissal of complaint.

2. On perusal of the records, it discloses that 'B' report was filed in 2016 and the petitioner took time on several occasion and ultimately, the Trial Court took up the matter for hearing the 'B' report and subsequently posted the matter for enquiry. The sworn statement was recorded on 25.10.2018 and for further sworn statement, case was adjourned. On 29.11.2018, the complainant sought time. Subsequently, EP was filed on 23.01.2019 and the complainant was absent. When the complainant was present before the Court, he sought time and ultimately when the complainant did not pursue the

matter for years, the Trial Court dismissed the complaint on 27.01.2021. Inspite of the Trial Court given time finally for enquiry as last chance, he did not appear before the Court. On 27.01.2021, he was absent and again counsel sought time and the Trial Court taking into note of the order sheet that this complaint is of the year 2015 and 'B' report is filed in the year 2016 and since 2016, the complainant not prosecuted the case, rejected the prayer to adjourn the matter. The said order is challenged before this Court.

3. The main contention of the learned counsel for the petitioner before this Court is that the Trial Court committed an error in dismissing the complaint. It is stated in the petition that he was regular before the Court and hence, this Court has to set aside the order of the Trial Court.

4. The learned counsel for respondent No.2/accused would submit that the very order sheet of the Trial Court produced along with the petition clearly discloses that the complaint was filed in 2015 and 'B' report was filed in 2016. Even till 2021, for a period of 5 years, the complainant has not led any further evidence though he was examined in part

recording his sworn statement and for further enquiry, he did not pursue the matter and hence, the Trial Court rightly rejected the same.

5. On perusal of the material available on record, it is very clear that sworn statement was recorded on 25.10.2018. From 2018, till the date of dismissal of the complaint, the petitioner has not pursued the matter. Having taken note of the order sheet of the Trial Court, no grounds are made out to set aside the order of the Trial Court and for a period of five years, the petitioner did not pursue the matter even when the 'B' report was filed. The petitioner ought to have pursued the matter by placing the material before the Trial Court. Even though he was examined in 2018 in part, he did not co-operate before the Trial Court to proceed in the matter. While dismissing the complaint, the learned Magistrate taken note of that though 'B' report was filed in 2016, the matter was not pursued for a period of five years. Under the circumstances, I do not find any grounds to entertain the petition.

6. In view of the discussions made above, I pass the following:

ORDER

The petition is dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 24