HC-KAR

NC: 2026:KHC:59510
CRL.A No. 523 of 2012

CNR: KAHC010234572012

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 523 OF 2012 (C)

BETWEEN:

1. SRI GAWTHAM SINGH
   S/O SUVARNA SINGH
   R/AT NO 4742, GANAPATHI TEMPLE ROAD,
   N R MOHALLA, MYSORE.

...APPELLANT

(BY SRI. SANTOSH S. GOGI.,ADVOCATE)

AND:

1. STATE BY COD (S.F.)
   SANJAYNAGAR POLICE, BANGALORE.

...RESPONDENT

(BY SRI. K. NAGESHWARAPPA, HCGP.)

CRL.A FILED U/S.374(2) CR.P.C BY THE ADVOCATE FOR THE APPELLANT PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO SET ASIDE THE JUDGMENT DATED 31.03.2012 IN CRIMINAL APPEAL NO.594/2010 PASSED BY THE P.O., FTC-IX, BANGALORE IN CRL.A.NO.594/2010 - CONVICTING THE APPELLANT FOR THE OFFENCE P/U/S. 471 AND 420 OF IPC. AND THE APPELLANT SHALL UNDERGO R.I. FOR A PERIOD OF 10(TEN) YEARS AND SHALL BE LIABLE TO PAY A FINE OF RS.10,000/- (RS.TEN THOUSAND) AND I/D TO PAY THE FINE AMOUNT, HE SHALL UNDERGO S.I. FOR A PERIOD OF 6(SIX) MONTHS, FOR THE OFFENCE P/U/S.471 OF IPC. AND THE APPELLANT SHALL UNDERGO R.I. FOR A PERIOD OF 5(FIVE) YEARS AND SHALL ALSO LIABLE TO PAY A FINE OF RS.7,000/- (RS.SEVEN THOUSAND) AND I/D TO PAY THE FINE AMOUNT, HE SHALL UNDERGO S.I. FOR A PERIOD OF 3(THREE) MONTHS, FOR THE OFFENCE P/U/S.420 OF IPC.

Digitally signed by LAKSHMINARAYAN N
Location: High Court of Karnataka

CNR: KAHC010234572012

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

1. The appellant who is accused No.5 has preferred this appeal against the judgment of conviction and order on sentence passed by the Presiding Officer, Fast Track Court-IX, Bangalore City in Crl.A No.594/2010 dated 31.03.2012.

2. The brief facts leading to this appeal are that Sanjaynagar Police (COD (S.F)) submitted the charge-sheet against accused Nos.1 to 7 and 10 to 12 for the offence punishable under Sections 467, 471 and 420 read with 34 of IPC.

3. The trial Court has acquitted accused Nos.1 to 5, 7, 10 and 11 for the offence punishable under Sections 467, 471 and 420 read with 34 of IPC and has passed an order to register a separate case against accused No.6 and

12. Against the said judgment of acquittal, the State has preferred the appeal only against accused Nos.1 and 5.

4. I have heard the arguments on both sides.

5. The learned counsel for the appellant would submit that the State has filed the appeal along with the application under Section 5 of the Limitation Act to condone the delay of 130 days. The Appellate Court has not passed any order on this IA, and the same is pending. Without passing any order on the IA filed under Section 5 of the Limitation Act, the Appellate Court has allowed the appeal and convicted the accused, which is not sustainable under law. On all these grounds, sought for allowing this appeal.

6. Learned HCGP Sri K.Nageshwarappa, has not disputed the arguments submitted by the learned counsel for the appellant.

7. I have examined the arguments placed before this Court.

8. The order sheet pertaining to Crl.A No. 594/2010 reveals that the appeal was filed under Section 378(1(a)) of Cr.P.C and IA was filed under Section 5 of Limitation Act to condone the delay of 130 days. This application is supported with the affidavit of Government Public Prosecutor, Sri Shantinatha Chintamani Agasimani.

9. The Appellate Court has not passed any order on this IA. Without passing any order on the application filed under Section 5 of the Limitation Act, the learned Sessions Judge has passed the impugned judgment of conviction and sentence, which is not sustainable under law. Accordingly, I proceed to pass the following:

ORDER

i. Appeal is allowed.

ii. The Judgment of conviction and order on sentence passed by the Presiding Officer, Fast Track Court-IX, Bangalore City in Crl.A No.594/2010 dated 31.03.2012 is set aside;

iii. The case is remitted back to the Presiding Officer, Fast Track Court-IX, Bangalore City with a direction to provide an opportunity to the accused to file objections, if any;

iv. Thereafter disposal of the Application filed under Section 5 of the Limitation Act;

v. Both parties are directed to appear before the Fast Track Court-IX, Bengaluru City on 25.11.2026 without seeking any further notice from the Appellate Court.

Registry is directed to send the copy of this order along with TCR to the Fast Track Court-IX, Bangalore City.

Sd/-
(G BASAVARAJA)
JUDGE

KBM
List No.: 1 Sl No.: 54