HC-KAR

CNR: KAHC010405162019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 1373 OF 2019 (378(Cr.PC) / 419(BNSS))

BETWEEN:

M/S M.V.J. COLLEGE OF ENGINEERING
CHANNASANDRA, NEAR ITPB
BENGALURU-560 067
REPRESENTED BY ITS CHAIRMAN
MR. M.J. BALACHANDAR.

...APPELLANT

(BY SRI. PRATEEK G., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   BY KADUGODI POLICE STATION
   REPRESENTED BY SPP
   HIGH COURT OF KARNATAKA
   BENGALURU-560 001.

2. VIDYA SAGAR G.
   S/O GURU SWAMY
   AGED ABOUT 28 YEARS
   R/AT NO.721/1
   2ND CROSS, KATTE HOSUR
   MANCHEGOWDANAKOPPALU
   MYSURU-570 016

   PERMANENTLY AT:
   HUNDI VILLAGE
   BOMMANAHALLI POST
   TARAKANAMBI HOBLI

Digitally signed by V MANJUSHA BAI
Location: HIGH COURT OF KARNATAKA

GUNDLUPET TALUK
CHAMARAJANAGAR DISTRICT.

…RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP FOR R1;
SRI. DHIRAJ A.K., ADVOCATE FOR R2)

THIS CRL.A. IS FILED U/S.372 CR.P.C. PRAYING TO SET ASIDE THE JUDGMENT DATED 27.04.2019 PASSED BY THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE, BENGALURU RURAL DISTRICT, BENGALURU IN C.C.NO.2543/2017, AND HOLD THE ACCUSED GUILTY FOR THE OFFENCE PUNISHABLE UNDER SECTION 408 IPC AND AWARD APPROPRIATE SENTENCE.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

Both the counsel are present.

2. The appellant, who is the informant has preferred this appeal under Section 372 of Code of Criminal Procedure, 1973, against the judgment of acquittal passed by the Addl. Chief Judicial Magistrate, Bengaluru Rural District, Bengaluru.

3. The learned Additional Chief Judicial Magistrate, Bengaluru Rural District, Bengaluru, has acquitted the accused for the offence under Section 408 of IPC in C.C.No.2543/2017 dated 27.04.2019.

4. In view of Section 378(1)(a) of the Code of Criminal Pressure, 1973, an order of acquittal passed by a Magistrate in respect of a cognizable and non-bailable offence, an appeal lies to the Court of Sessions. The offence under Section 408 IPC is a cognizable and non-bailable offence. Hence, I proceed to pass the following:

ORDER

(i) Registry is directed to transfer this case to the Principal District and Sessions Judge, Bengaluru Rural District, Bengaluru, for disposal in accordance with law;

(ii) Parties or their respective counsel are directed to appear before the Principal District and Sessions Judge, Bengaluru Rural District, Bengaluru on **25.11.2026**;

(iii) The Principal District and Sessions Judge, Bengaluru Rural District, Bengaluru is directed to dispose of the case in accordance with law;

(iv) The transferee Court is directed to dispose of the case as early as possible as the matter is of the year 2019;

(v) The appellant is permitted to carry out necessary amendment in memorandum of appeal;

(vi) The appeal stands ***disposed of*** accordingly.

Sd/-
(G BASAVARAJA)
JUDGE

PGG
CT:SM
List No.: 1 Sl No.: 19