HC-KAR
CNR: KAHC010406162020

NC: 2026:KHC:55258
CRL.P No. 8055 of 2020
C/W CRL.P No. 8048 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

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

CRIMINAL PETITION NO.8055 OF 2020
C/W
CRIMINAL PETITION NO.8048 OF 2020

IN CRL.P NO.8055/2020:

BETWEEN:

1. SRI. KEVIN @ KEVIN KUMR R.,
S/O REUBEL JAYKUMAR,
AGED ABOUT 20 YEARS,
R/AT 240, 1ST CROSS,
GOVINDAPPA LAYOUT,
NEAR DOLLARS COLONY,
NEAR KUVEMPU GROUND,
NAGASHETTYHALLI,
RMV EXT. II STAGE,
BENGALURU-560094.

...PETITIONER

(BY SRI. RAVICHANDRA S.N., ADVOCATE -ABSENT)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA,
BY YELAHANKA POLICE SATION,
REP. BY ITS STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU-560001.

...RESPONDENT

(BY SRI. SUHAS GOWDA M., HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO ALLOW THE ABOVE PETITION BY QUASHING THE CRIMINAL PROCEEDINGS AGAINST THE PETITIONER ACCUSED NO.5 IN C.C.NO.9285/2020 CONSEQUENTLY IN CR.NO.77/2020 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 399 AND 402 OF IPC, PENDING BEFORE THE XXXVII ADDITIONAL CHIEF METROPOLITAN MAGISTRATE, (XXXVII ACMM), BENGALURU CITY AT BENGALURU.

IN CRL.P NO.8048/2020:

BETWEEN:

1. SRI. SHREYAS,
   S/O LATE P. ANJANAPPA,
   AGED ABOUT 20 YEARS,
   R/AT NO.500, 9TH CROSS,
   PRF. KRISHNAPPA ROAD,
   NEAR MUNESHWARA TEMPLE,
   KANSIRAMNAGAR, LAKSHMIPURA,
   VIDYARANYAPURA POST,
   BENGALURU-560097.

...PETITIONER

(BY SRI. RAVICHANDRA S.N., ADVOCATE - ABSENT)

AND:

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

...RESPONDENT

(BY SRI. SUHAS GOWDA M., HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE CRIMINAL PROCEEDINGS

AGAINST THE PETITIONER / ACCUSED NO.3 IN C.C.NO.9285/2020 CONSEQUENTLY IN CR.NO.77/2020 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 399 AND 402 OF IPC, PENDING BEFORE THE XXXVII ADDITIONAL CHIEF METROPOLITAN MAGISTRATE, (XXXVII ACMM), BENGALURU CITY AT BENGALURU.

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

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

ORAL ORDER

The learned counsel for the petitioners is absent at 4.34 p.m.

2. These two petitions are filed by accused Nos.5 and 3, respectively, praying this Court to quash the proceedings initiated against the petitioners in C.C.No.9285/2020, consequently in Crime No.77/2020, for the offences punishable under Sections 399 and 402 of IPC, pending before the XXXVII Additional Chief Metropolitan Magistrate, Bengaluru and grant such other order.

3. The factual matrix of the case of the prosecution is that on 23.05.2020, on credible information, the complainant went near Allalasandra lake, wherein 4 to 5 persons with deadly

weapons in their hands were suspiciously waiting to commit serious offence by restraining the travellers who are proceeding alone. Hence, the complainant along with CW2 to CW8 went to the spot and conducted the raid and found accused Nos.1 to 5 and seized the weapons in the presence of CW2 and CW3 and brought them to the police station. Based on the case registered against them, investigated the matter and filed the charge-sheet and hence, the present petitions are filed by accused Nos.5 and 3.

4. The main contention of the learned counsel for the petitioners is that these petitioners have not indulged in such act and they have been falsely implicated in the case. The petitioner in Crl.P.No.8048/2020, who is accused No.3, was a student of Mechanical and he was working as an intern in BHEL with his father and residing with his parents and he was picked from his friend's house at 7:00 p.m. on 23.05.2020 at Vidyaranyapura and he was not arrested at the spot and he has been falsely implicated in the case. The petitioner in Crl.P.No.8055/2020, who is accused No.5, is also a student. He was picked from his house at 9:30 p.m. on 23.05.2020 when

he was having dinner with his parents in his house and he has been falsely implicated in the case and he was not a part of making an attempt to commit the offences of Sections 399 and 402 of IPC.

5. The learned High Court Government Pleader appearing for the respondent/State would submit that these two petitioners are arrested along with other accused persons with deadly weapons while making an attempt to commit the offence of dacoity and the weapons are also seized in the presence of CW2 and CW3.

6. Having heard the learned counsel for the petitioners and the learned High Court Government Pleader appearing for the respondent/State and considering the allegations made in the charge-sheet, when the petitioners were apprehended along with other accused persons, the very contention of the learned counsel for the petitioners that the petitioners were brought from different places and not at the spot, cannot be accepted and the same is a defence and the said defence could be raised before the Trial Court. When they were arrested

along with weapons and also when specific accusation is made invoking the offence under Sections 399 and 402 of IPC, the question of considering their defence that they were not at the spot and they were picked from different places, cannot be accepted while considering the petition under Section 482 of Cr.P.C.

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

ORDER

Both the petitions are dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 32