HC-KAR

NC: 2026:KHC:60701
CRL.P No. 8795 of 2024

CNR: KAHC010434862024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 8795 OF 2024

BETWEEN:

STATE OF KARNATAKA
BY KOLLEGALA RURAL POLICE STATION
REPRESENTED BY
STAE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU - 560001.

...PETITIONER

(BY SRI. SPP., ADVOCATE)

AND:

1. RAKSHITH
S/O KUMARASWAMY @ HANUULA,
AGED ABOUT 30 YEARS,
R/AT HOSAMALANGI VILLAGE,
KOLLEGALA TALUK,
CHAMARAJANAGARA DISTRICT - 571313.

2. KUMARASWAMY @ KUMARA @ HANNULA
S/O LATE PUTTAMADAPPA,
AGED ABOUT 62 YEARS,
R/AT HOSAMALANGI VILLAGE,
KOLLEGALA TALUK,
CHAMARAJANAGARA DISTRICT - 571313.

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

3. SRI. H.S. MURTHY
S/O K. SHIVANNA,
AGED ABOUT 43 YEARS,
HOSA MALANGI VILLAGE,
KOLLEGALA TALUK,
CHAMARAJANAGARA DISTRICT - 571313.

…RESPONDENTS

(BY SRI. PARAMESWARAPPA C.,ADVOCATE)

THIS CRL.P IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNSS) PRAYING TO SET ASIDE THE ORDER DATED 20.06.2023 IN SPL. CASE NO.26/2021 PASSED BY THE ADDL. DISTRICT AND SESSIONS JUDGE AND FTSC-1, CHAMRAJANAGARA AND SPL. JUDGE FOR POCSO CASES THEREBY REJECTING THE APPLICATION FILED UNDER SECTION 319 OF CR.P.C, BY SPL. PUBLIC PROSECUTOR BY ALLOWING THE PETITION, CONSEQUENTLY ALLOW THE APPLICATION DATED 17.05.2023, FILED BY THE PROSECUTION UNDER SECTION 319 OF CR.PC.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

In the present petition, the State has called in question the order dated 20.06.2023 passed in Spl.C.No.26/2021 by the learned Additional District and Sessions Judge, FTSC-I, Chamarajanagara, and Special Judge for POCSO cases, whereby the learned Special Judge rejected the application filed

by the prosecution under Section 319 of Cr.P.C., seeking to implead one Manjula as an proposed-accused.

2. The brief facts of the case are that the complainant, one Varshitha H.M., lodged a complaint against respondent Nos.1 and 2 and one Manjula, i.e mother of respondent No.1, alleging that, on 20.08.2020, they trespassed into her house, abused her in filthy language. It is also alleged in the complaint that the respondent No.1 subjected her to abuse and extorted money from her. Based on the said complaint, FIR came to be registered in Crime No.158/2020 dated 21.08.2020 for the offences punishable under Sections 504, 506 and 384 r/w 34 of IPC and Section 12 of the Protection of Children from Sexual Offences Act.

3. Subsequently, in her further statement, the complainant clarified that Manjula was not present at the scene of occurrence and had not committed any offence. Accordingly, the Police dropped Manjula from the charge sheet and filed the charge sheet against the remaining accused. Thereafter, the case was committed to the Sessions Court and registered as Spl.C.No.26/2021 against respondent Nos.1 and 2 - accused

Nos.1 and 2. After examination of PWs.1 to 24, the prosecution filed an application under Section 319 of Cr.P.C., seeking to implead Manjula as an proposed-accused. The said application came to be rejected by the learned Special Judge. Aggrieved by the same, the State has preferred the present petition.

4. Heard the learned HCGP.

5. The primary contention of the learned HCGP is that the complainant has specifically stated in the complaint that the proposed accused, along with accused Nos.1 and 2, trespassed into her house and committed the alleged offences. He further submits that, even in her statement, the complainant has reiterated the involvement of the proposed-accused, stating that she had trespassed into the house along with the other accused. Therefore, when the involvement of the proposed-accused is specifically borne out from the complaint averments and the statements of the complainant, the prosecution was justified in filing an application under Section 319 of Cr.P.C., seeking to implead her as an additional accused. It is further contended that the learned Special Judge has failed to properly

appreciate the materials available on record while rejecting the application. Accordingly, he prays to allow the petition.

6. Despite service of notice, there is no representation for the respondents.

7. I have given my anxious consideration on the submission and perused the entire charge sheet materials.

8. As could be gathered from the records, though the name of the proposed-accused was mentioned in the complaint and the FIR was initially registered against her, subsequently, upon completion of the investigation, respondent No.1-Police dropped her from the charge sheet, as no material sufficient to proceed against her was found. Thereafter, during the course of trial, the prosecution examined PWs.1 to 24 and marked 52 documents as Exs.P1 to P52. However, even upon appreciation of the evidence so adduced, no incriminating material or specific allegations implicating the proposed accused have been brought on record. In such circumstances, the learned Special Judge, upon consideration of the materials available on record, has rightly rejected the application filed by the prosecution

under Section 319 of Cr.P.C. The settled position of law in this regard has been explained by the Hon'ble Apex Court in *catena* of judgments.

9. The degree of satisfaction required for exercising the power under Section 319 of Cr.P.C. is higher than the *prima facie* satisfaction required at the stage of framing of charges. The Court must be satisfied that the evidence on record is such that there is a strong possibility of the proposed-accused being convicted if the proceedings are allowed to continue against such person, as explained by the Hon'ble Apex Court in the case of ***Hardeep Singh v. State of Punjab and Others*** reported in ***2014 (3) SCC 92.***

10. In the present case, in the absence of any reliable evidence implicating the proposed-accused, the learned Special Judge was justified in rejecting the application filed under Section 319 of Cr.P.C. Therefore, no grounds are made out warranting interference with the impugned order.

Accordingly, the petition, being devoid of merits, stands ***dismissed***.

SD/-
(RAJESH RAI K)
JUDGE

GPG
List No.: 2 Sl No.: 6