HC-KAR

NC: 2026:KHC:63518
CRL.P No. 11185 of 2026

CNR: KAHC010513732026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 11185 OF 2026

BETWEEN:

SMT. BHARATHI B
W/O. SHASHIDHAR H.K.,
AGED ABOUT 45 YEARS,
RESIDING AT NO.51, 6th MAIN,
PAPAIAH GARDEN, BSK 3rd STAGE,
BENGALURU CITY - 560 085.

...PETITIONER

(BY SRI. A. S. KULKARNI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY KERAGODU POLICE STATION,
MANDYA DISTRICT - 571 446,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE - 560 001.

2. KUMAR,
S/O. PUTTALINGAIAH,
AGED ABOUT 55 YEARS,
RESIDING AT BYADARAHALLI VILLAGE,
KASBA HOBLY, MADDUR TOWN,
MANDYA - 571 602.

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

3. CHANDAN G.K.
S/O. KUMAR G.K.,
AGED ABOUT 31 YEARS,
RESIDING AT MANUGANUHALLI VILLAGE,
DUDDA HOBLY, MANDYA TALUK,
MANDYA - 571 103.

4. PRASANNA M.K.,
S/O. KENCHEGOWDA,
AGED ABOUT 41 YEARS,
RESIDING AT MANUGANAHALLI VILLAGE ,
DUDDA HOBLI , MANDYA TALUK
MANDYA - 571 103.

5. SMT. NANDA G.K.,
W/O. KUMARA,
AGED ABOUT 35 YEARS,
RESIDING AT MADDUR TOWN,
MANDYA - 571 428.

6. SMT. ROOPA SHREE G.K.,
W/O. PRASANNA M.K.,
AGED ABOUT 33 YEARS,
RESIDING AT MANUGANUHALLI VILLAGE,
DUDDA HOBLY, MANDYA TALUK,
MANDYA - 571 103.

…RESPONDENTS

(BY SRI. CHANNAPPA ERAPPA, HCGP FOR R1;
SRI. B. ROOPESHA, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 407 OF CR.PC (FILED U/S 447 BNSS) PRAYING TO TRANSFER OF SPL.C.NO.85/2026 FOR THE OFFENCE P/U/S 8, 10, 17, 21 OF POCSO ACT, 2012, SEC. 352, 351(2), 54, 118(1) OF THE BNS 2023 AND SEC. 75 OF THE JJ

ACT, PENDING ON THE FILE OF THE LRD. ADDL. DISTRICT AND SESSIONS JUDGE, FTSC-I, AT MANDYA, TO ANY OTHER ADDL. CITY CIVIL AND SESSIONS JUDGE, FTSC COURT, BENGALURU CITY.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

This petition under Section 447 of BNSS, 2023 read with Section 407 of Cr.P.C is filed by the de-facto complainant with a prayer to transfer the proceedings in Special Case No.85 of 2026 pending before the Court of Additional District and Sessions Judge, FTSC-I, Mandya, arising out of Crime No.17 of 2026 registered by Keragodu Police Station, Mandya for the offences punishable under Section 352, 351(2), 54, 118(1), 75 of BNS, 2023, Section 8, 10, 17, 21 of POCSO Act, 2012 and Section 75 of Juvenile Justice Act, 1986, to any other Special Court for POCSO cases at Bengaluru.

2. Heard the learned counsel for the parties.

3. FIR in the present case has been registered for the aforesaid offences against respondent Nos.2 to 6 herein, based on the first information submitted by the de-facto complainant, who is the maternal aunt of the victim girl, aged about 16 years and studying in 10th standard. Accused No.1 is the stepfather of the victim girl and accused No.4 is the mother of the victim girl. The other accused persons are close relatives of accused No.4.

4. Order sheet of the Trial Court would go to show that at crime stage itself, a complaint was filed seeking protection on the ground that there was threat to the victim girl and the police were not properly conducting the investigation. Learned Trial Judge after taking note of the said complaint and also the progress in the investigation in its order dated 25.02.2026 has observed as follows:

> *"In the present case allegations involve serious sexual abuse by persons in fiduciary and domestic relationship*

with the Victim and there is prima facie allegations of intimidation.

The Investigation Officer had produced the CD before this court and the perusal of the same shows that the grievance of inaction and delay in investigation sounds reasonable. The apprehension of the threat to the Victim also sounds credible. Therefore though this court cannot assume the role of Investigation Officer, looking into the reasonable apprehension and that the investigation is not proceedings in a fair, impartial and expeditious manner, judicial oversight is warranted to secure the ends of justice. Given the vulnerability of the child Victim and seriousness of the allegations limited monitoring by this court in the investigation is justified. The grievances raised by the Victim girl before this court be brushed aside.

Accordingly, the petition filed by the Victim is hereby allowed.

The Investigating Officer shall file a comprehensive status report before this court within 27.02.2026 along with the steps taken so far in the investigation, action taken against the accused persons if any and the reason for delay caused in any of the investigation proceedings if any. "

5. The case before the Trial Court is now at the stage of recording the evidence of prosecution witnesses. The victim girl (CW2) and de-facto complainant (CW1) are yet to be examined. It is also brought to the notice of this Court that since there is a constant threat by the accused persons to the victim girl and de-facto complainant, a separate petition has been also filed before this Court by the de-facto complainant in Crl.P.No.11159 of 2026 under Section 483(3) of BNSS, 2023 to cancel the bail granted to the accused persons. Since the victim girl and de-facto complainant, who is the maternal aunt of the victim girl are before this Court contending that the accused persons, who are all close relatives of the victim girl, have been

threatening them and therefore, they would not be in a position to appear before the Trial Court at Mandya in Special Case No.85 of 2026 for the purpose of recording their evidence, I am of the opinion that prayer made in this petition for transfer of the proceedings in Special Case No.85 of 2026 pending before the Court of Additional District and Sessions Judge, FTSC-I, Mandya, to any other Special Court (POCSO) at Bengaluru needs to be granted. Accordingly, the following:

ORDER

i) The criminal petition is ***allowed***.

ii) The entire proceedings in Special Case No.85 of 2026 pending before the Court of Additional District and Sessions Judge, FTSC-I, Mandya, arising out of Crime No.17 of 2026 registered by Keragodu Police Station, Mandya for the offences punishable under Section 352, 351(2), 54, 118(1), 75 of BNS, 2023, Section 8, 10, 17, 21 of

POCSO Act, 2012 and Section 75 of Juvenile Justice Act, 1986, is withdrawn from the said Court and is directed to be placed before the Principal District and Sessions Judge, Bengaluru City for the purpose of allotting the said case to any other Special Court for POCSO cases at Bengaluru City.

It is needless to state that the concerned Court shall expedite the trial and dispose of the main case at earliest.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

AMM
List No.: 1 Sl No.: 41