HC-KAR

NC: 2026:KHC:63745
CRL.P No. 11612 of 2024

CNR: KAHC010592112024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 11612 OF 2024

BETWEEN:

SRI GOVINDA BABU POOJARI
S/O BABU POOJARI ,
AGED ABOUT 46 YEARS,
OCC: BUSINESSMAN,
R/AT CHEMMANTHU, BYNDOOR,
BIJOOR, UDUPI, KARNATAKA-576 232

...PETITIONER

(BY SRI. RAJATH, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY THE POLICE OF
CENTRAL CRIME BRANCH, BENGALURU
REP BY: THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
BENGALURU -560 001

2. CHAITHRA @ CHAITRA K
D/O BALAKRISHNA
AGED ABOUT 31 YEARS,
R/AT NO. H, 461-6,
CHIKKA ANSASAL ROAD,
KUNDAPURA
UDUPI DISTRICT -576 201

3. SRIKANTH
S/O SRINIVAS NAYAK

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

AGED ABOUT 25 YEARS,
R/AT NO. 1-11, KANAAARU, BYLOORU,
GUDDE ANGADI POST,
KARKALA TALUK
UDUPI DISTRICT -574 102

…RESPONDENTS

(BY SRI. RAMA RAMACHANDRA IYER, ADVOCATE FOR R2 & R3,
SRI. MAHESHA P, HCGP FOR R1)

THIS CRL.P IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNSS) PRAYING TO SET ASIDE THE ORDER DATED 29.01.2024 PASSED BY THE III ADDL. CHIEF METROPOLITAN MAGISTRATE BENGALURU IN C.C.NO.31132/2024; AT (CR.NO.206/2024) AND ORDER DT.10.09.2024 IN CRL.R.P 75/2024 AND RELEASE THE PROPERTY IN P.F.NO.25/2023 AND P.F.NO.30/2023 IN FAVOUR OF THE PETITIONER.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C by the petitioner-applicant-defacto complainant seeking to set aside the order dated 29.01.2024 passed in C.C No.31132/2024 (Crime No.206/2024) by the III Addl. Chief Metropolitan Magistrate at Bengaluru [for short, "the learned Magistrate") and the order dated 10.09.2024 passed in Crl.R.P.No.75/2024 by the LXVI Addl. City Civil and Sessions Judge, Bengaluru

(CCH-67) [for short, "the Revision Court") and release the property in P.F No.25/2023 and P.F No.30/2023 in favour of the petitioner.

2. The brief facts of the case are that the petitioner, being the de facto complainant, lodged a complaint on 08.09.2023 before respondent No.1-Police alleging that respondent Nos.2 and 3 herein, i.e., accused Nos.1 and 7, along with other accused persons, represented to him that they were in contact with the top leaders of a political party and could secure a party ticket for him to contest the 2023 Assembly elections from Byndoor Constituency, Udupi District. It is alleged that, believing their representation, the petitioner paid a sum of Rs.50,00,000/- to one Gagan Kadur i.e. accused No.2 and Rs.3,00,00,000/- to accused No.7 as per the instruction of respondent No.2 for securing the said ticket.

3. It is further alleged that respondent Nos.2 and 3, along with the other accused, asked the petitioner to approach one Abhinavashree Halaveerappaji i.e. accused No.3 for his recommendation for obtaining the ticket and induced him to pay a sum of Rs.1,50,00,000/- to the said accused No.3.

Accordingly, the petitioner paid the said amount of Rs.1,50,00,000/- to him.

4. The further allegation is that, with an intention to induce the petitioner to part with the money, respondent Nos.2 and 3, along with the other accused, created fictional personalities of different characters and thereby induced the petitioner to pay various amounts on the representation that the ticket for contesting the Assembly elections from Byndoor Constituency would be secured. Subsequently, the petitioner came to know that the representations made by respondent Nos.2 and 3 and the other accused were false and that he had been cheated. Hence, he lodged the complaint before respondent No.1-Police.

5. Based on the said complaint, respondent No.1-Police registered FIR in Crime No.206/2023 against respondent Nos.2 and 3 and the other accused for the offences punishable under Sections 406, 419, 420, 170, 506 and 120B of the IPC and took up investigation. During the course of investigation, the Police seized cash and other articles from respondent Nos.2

and 3 and produced the same before the learned Magistrate under PF Nos.25/2023 and 30/2023.

6. Thereafter, the petitioner and respondent No.2 herein filed an application before the learned Magistrate under Sections 451 and 457 of the Cr.P.C., seeking interim custody of the cash and other articles seized by respondent No.1-Police under PF Nos.25/2023 and 30/2023. The learned Magistrate, by order dated 29.01.2024, rejected the application filed by the petitioner and partly allowed the application filed by respondent No.2. Aggrieved by the same, the petitioner preferred Crl.R.P.No.75/2024 before the Revision Court, which also came to be dismissed on 10.09.2024. Being aggrieved by the orders passed by the learned Magistrate and the Revision Court, the petitioner has preferred the present petition.

7. Heard the learned Senior counsel for the petitioner, the learned High Court Government Pleader for respondent No.1 - State and the learned counsel for respondent No.2 - complainant.

8. Apart from urging several other contentions, the learned Senior Counsel for the petitioner contended that, admittedly, Item Nos.1 to 4 in PF No.30/2023 were recovered by respondent No.1-Police from the house of respondent No.3-accused No.7 on 17.09.2023, comprising cash of Rs.41,00,000/- and one small gold-plated men's ring.

9. It is the specific case of respondent No.1-Police that respondent No.2-accused No.1 induced the petitioner-de facto complainant by representing that she was a Hindu activist and was closely associated with the top leaders of the Bharatiya Janata Party and Rashtriya Swayamsevak Sangh, and assured him that she would secure a ticket for him to contest the 2023 Assembly election from Byndoor Constituency, Udupi District. It is alleged that she initially demanded Rs.50,00,000/- towards the process and subsequently demanded an additional sum of Rs.3,00,00,000/- towards the selection process. Thereafter, accused No.1, in collusion with accused No.7, impersonated one Vishwanath G. and received a sum of Rs.3,00,00,000/- from the petitioner on 29.10.2022.

10. It is further contended that, subsequent to the arrest of accused Nos.1 and 7, based on their voluntary statements, cash, gold and other ornaments were recovered at their instance and subjected to PF Nos.25/2023 and 30/2023. Therefore, according to the learned Senior Counsel, it is evident that Item Nos.1 to 4 in PF No.30/2023 belong to the petitioner. He further submitted that the Investigating Officer himself has admitted that the articles seized under PF No.30/2023 belong to the de facto complainant and that the same may be released in his favour.

11. The learned Senior Counsel further contended that the petitioner has produced his bank statements and Income Tax Returns, which clearly disclose payment of Rs.3,00,00,000/- to accused No.1 and other amounts to accused Nos.2 and 3. Thus, it is contended that the petitioner, after obtaining the loan amount, had paid the same to accused No.1 and the other accused. Out of the said amount, accused No.1 had handed over a portion thereof to accused No.7, which came to be seized under PF No.30/2023.

12. It is further submitted that the petitioner is required to repay the loan amount and is presently facing severe financial difficulties, whereas the substantial amount seized under PF No.30/2023 is lying with respondent No.1-Police without any valid justification. Hence, the learned Senior Counsel submitted that the seized amount and articles are required to be released in favour of the petitioner. Accordingly, he prayed for allowing the petition.

13. The prayer of the petitioner is opposed by the learned counsel for respondent Nos.2 and 3. It is contended that the items seized under PF No.25/2023 belong to the grandmother and mother of accused No.1 and that the same had been handed over to accused No.1. It is further contended that Item Nos.1 to 4 in PF No.30/2023 were seized at the instance of accused No.7 and that the said articles, including the cash, belong to accused No.7. According to the learned counsel, the Investigating Officer has forcibly seized the said articles despite the same not belonging to the petitioner.

14. Placing reliance on the copy of the deposit ledger of Akshyamurtha Credit Co-operative Society Ltd., Hiriyadka,

dated 09.11.2026, the learned counsel contended that the mother of accused No.7, namely, Smt. Sharada Nayak, had obtained a loan from the said Society and that the amount so obtained was kept in her house. The said amount was subsequently seized by respondent No.1-Police on 17.09.2023. Therefore, it is contended that the amount seized under PF No.30/2023 is not the proceeds of the alleged crime and, consequently, cannot be released in favour of the petitioner.

15. It is further contended that the question as to the ownership of the seized amount requires detailed consideration and cannot be decided merely on the basis of the documents relied upon by the petitioner. Hence, the learned counsel submitted that the claim of the petitioner over the seized amount is disputed and prayed for dismissal of the petition. Learned counsel in support of his contention, relied on the judgment of Hon'ble Apex Court in the case of ***RAJPUT VIJAYSINH NATWARSINH*** vs. ***STATE OF GUJARAT AND OTHERS*** reported in ***2025 SCC OnLine SC 2012***.

16. Learned High Court Government Pleader by placing the report of the investigation officer submitted that, the

investigation completed in the case and the amount and gold plated ring in PF No.30/2023 recovered at the instance of accused No.7 from his house and the total amount seized in the case Rs.1,81,21,030/- is deposited in SBI Bank (Criminal Court Deposit).

17. I have given my anxious consideration to the submissions made by the learned counsel for the respective parties so also perused the entire materials on record.

18. As could be gathered from the charge-sheet materials, accused Nos.1 and 7, along with the other accused, are alleged to have received a sum of Rs.50,00,000/- in cash by accused No.2 on 07.07.2022, a sum of Rs.3,00,00,000/- in cash by accused No.7 on 29.10.2022, and a sum of Rs.1,50,00,000/- in cash by accused No.3 on 16.01.2023, totalling Rs.5,00,00,000/-.

19. Subsequently, based on the confession statements of accused Nos.1, 7 and 9, the Investigating Officer seized 15 articles under PF No.25/2023. Further, based on the voluntary statement of accused No.7, four articles were seized from his

possession under PF No.30/2023. The details of Item Nos.1 to 4 seized under PF No.30/2023 are as follows:

Item No.1 – 79 bundles of 100 notes of the value of Rs.500/- amounting to Rs.39,50,000/-.

Item No.2 – 5 bundles of 100 notes of the value of Rs.200/- amounting to Rs.1,00,000/-.

Item No.3 – 5 bundles of 100 notes of the value of Rs.100/- amounting to Rs.50,000/-.

Total Rs.41,00,000/-.

Item No.4 - One small Gold-Plated Men's Ring.

20. Whereas, under PF No.25/2023, cash, PAN card, ATM cards, silver plated anklets, gold-plated necklaces, gold-plated earings, gold-plated finger rings, mobile and a car were seized. The learned Magistrate, upon consideration of the documents on record, ordered release of Item Nos.2 to 4 in PF No.25/2023 in favour of accused No.1 i.e. respondent No.2 herein. However, in respect of the remaining items covered under the said PF, the claims made by the petitioner-de facto complainant and accused No.1 were rejected.

21. The said portion of the order, which has been affirmed by the Revision Court, is not seriously challenged by the learned Senior counsel for the petitioner. The learned Senior counsel submitted that, for the present, he would confine the prayer of the petitioner only to the articles seized under PF No.30/2023. Accordingly, the orders passed by the learned Magistrate and the Revision Court insofar as PF No.25/2023 is concerned remain undisturbed.

22. As regards PF No.30/2023, the learned Magistrate, having observed that accused No.7 had failed to produce any document to establish his ownership over the seized articles and that the Investigating Officer had submitted a report stating that the said articles belonged to the petitioner-de facto complainant and could be released in his favour, despite the learned Magistrate rejected the application filed by the petitioner. The petitioner had also produced his bank statements and Income Tax Returns in support of his claim over the seized amount. However, the learned Magistrate as well as the learned Sessions Judge rejected the claim of the petitioner without assigning any cogent or proper reasons.

23. I have carefully examined the entire charge-sheet materials, including PF Nos.25/2023 and 30/2023. In the instant case, the charge-sheet materials *prima facie* disclose an accusation against accused Nos.1 to 9 that they, in collusion with one another, received a substantial amount of Rs.5,00,00,000/- from the petitioner on the pretext of securing an Assembly election ticket for him from Byndoor Constituency, Udupi District for the year 2023.

24. It is further borne out from the charge-sheet materials that the amount seized under PF No.30/2023 was recovered from the possession of accused No.7. The charge-sheet materials further disclose that, on 29.10.2022, the petitioner handed over a sum of Rs.3,00,00,000/- in cash to accused No.7 at Mangaluru through CWs.2 to 4. The statements of all the said witnesses categorically support the said transaction and state to that effect.

25. The contention of the learned counsel for the respondent Nos.2 and 3 that the amount seized under PF No.30/2023 belongs to the mother of accused No.7 and that she had obtained a loan from Akshyamurtha Credit Co-

operative Society Ltd., Hiriyadka, cannot be accepted, as the documents relied upon by accused No.7 pertain to the year 2023 and, admittedly, are subsequent to September 2023. On the other hand, the petitioner has produced documents evidencing sanction and disbursement of a loan of Rs.10,00,00,000/- by ICICI Bank on 25.10.2022, along with the loan account statements and the acknowledgment of the Income Tax Returns for the assessment year 2023-24. The assets column therein discloses unsecured loans and business advances of Rs.3,00,00,000/- to accused No.1 and Rs.2,00,00,000/- in the names of accused Nos.2 and 3.

26. It is submitted by the learned Senior Counsel for the petitioner that accused No.1 had approached the petitioner and represented that she would secure a party ticket for him to contest the 2023 Assembly elections from Bynduru Constituency, Udupi District. Accordingly, believing on the words of accused No.1, the said amounts was paid by the petitioner through Nos.2, 3 and 7, which were reflected in the Income Tax Returns by mentioning the name of accused No.1, 2 and 3. The learned Senior Counsel further placed reliance on

the release intimations/orders passed by the learned Magistrate in respect of PF Nos.32/2023, 33/2023 and 34/2023, whereby cash of Rs.3,00,000/-, Rs.2,00,000/- and Rs.10,00,000/-, respectively, were ordered to be released in favour of the petitioner in the present case.

27. On careful perusal of the aforesaid documents, *prima facie*, it could be gathered that the cash seized under PF No.30/2023 belongs to the petitioner-de facto complainant. In such circumstances, it would not be appropriate to retain the said amount in the Bank till the conclusion of the trial merely for the purpose of ascertaining its ownership. The allegation against the accused is not based solely on the version of the petitioner; the same is also supported by the statements of CWs.2 to 4 and the report of the Investigating Officer. The Investigating Officer has specifically reported that the amount was handed over by the petitioner-de facto complainant to the accused persons and was subsequently recovered at their instance. Therefore, the said amount is required to be released in favour of the petitioner-de facto complainant, subject to the outcome of the trial.

28. As discussed supra, the claim made by accused No.7 is not supported by any documentary evidence and, *prima facie*, cannot be accepted. The judgment relied upon by the learned counsel for the respondent Nos.2 and 3 is also not applicable to the facts and circumstances of the present case, as the findings therein were rendered in the context of a proprietary firm and business transactions between the complainant and the accused. Whereas, in the present case, the charge-sheet has been filed against the accused for the offences punishable under Sections 406, 419, 420, 170, 506, 120B of the IPC, and serious allegations have been made against them.

29. In the circumstances, the accused cannot claim any right over the seized articles merely on the basis of a self-serving defence, without producing at least *prima facie* documentary evidence in support of their claim. Hence, I am of the considered view that interference with the impugned orders is warranted insofar as PF No.30/2023 is concerned. Accordingly, I proceed to pass the following:

ORDER

i. The petition is ***allowed in part***.

ii. The order dated 29.01.2024 passed in C.C 31132/2024 (Crime No.206/2024) by the III Addl. Chief Metropolitan Magistrate Bengaluru and the order dated 10.09.2024 passed in Crl.R.P No.75/2024 by the LXVI Addl. City Civil and Sessions Judge, Bengaluru in respect of PF No.25/2023 is undisturbed.

iii. The order dated 29.01.2024 passed in C.C 31132/2024 (Crime No.206/2024) by the III Addl. Chief Metropolitan Magistrate Bengaluru and the order dated 10.09.2024 passed in Crl.R.P.No.75/2024 by the LXVI Addl. City Civil and Sessions Judge, Bengaluru in respect of PF No.30/2023 is hereby set aside.

iv. The application filed by the petitioner under section 451 and 457 of Cr.P.C in respect of PF No.30/2023 is hereby allowed in part.

v. The learned Magistrate is directed to release Item Nos.1 to 3 in PF No.30/2023 in favour of the petitioner subject to the following conditions.

   a. At the time of releasing the said money to the petitioner, the face value of the money released to the petitioner and

their numbers shall be mentioned in the panchanama. At the time of panchanama the investigating officer shall take the photographs at the petitioner's expense and submit before the learned Magistrate with panchanama.

b. The investigating officer is directed to take photograph of the currency notes clearly denoting denomination and number of every currency notes.

c. The petitioner shall execute an indemnity bond for the like sum with two sureties, undertaking to redeposit the said amount before the learned Magistrate, in the event he is held not entitled to the same in the final judgment.

v. Since the alleged incident is of the year 2022, the trial Court is requested to conclude the trial at the earliest.

SD/-
(RAJESH RAI K)
JUDGE

PKS/K/List No.: 1 Sl No.: 17