HC-KAR

NC: 2026:KHC:62868
CRL.A No. 1965 of 2025

CNR: KAHC010639392025

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 13TH DAY OF NOVEMBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE G BASAVARAJA**

**CRIMINAL APPEAL NO. 1965 OF 2025**

**(341(Cr.PC) / 380(BNSS))**

**BETWEEN:**

1. SRI. M. SRINIVASA MURTHY
   S/O LATE M.MUNISWAMAPPA
   AGED ABOUT 65 YEARS
   R/AT NO.154, HIGH STREET
   COOKE TOWN
   BANGALORE - 560 005.

...APPELLANT

(BY SRI. S.BALAKRISHNAN, ADVOCATE)

**AND:**

1. THE CHIEF MINISTERIAL OFFICER
   CITY CIVIL COURT COMPLEX
   DISTRICT SESSIONS JUDGE
   BENGALURU RURAL DISTRICT
   BENGALURU - 560 009.

...RESPONDENT

(RESPONDENT IS SERVED AND UNREPRESENTED)

Digitally signed by GEETHA P G
Location: HIGH COURT OF KARNATAKA

THIS CRL.A. IS FILED U/S 341 CR.PC (FILED U/S 380 BNSS) BY THE ADVOCATE FOR THE APPELLANT PRAYING TO SET ASIDE THE IMPUGNED ORDER OF DISMISSAL IN CRL.MISC.NO.202/2015 VIDE ORDER DATED 20.08.2025 AND

TO DIRECT THE LEARNED TRIAL COURT TO CONDUCT AN ENQUIRY AND MAKE A COMPLAINT IN ACCORDANCE WITH SECTION 340 OF CR.PC (SEC. 379 OF BNSS) REGARDING THE OFFENCE OF TAMPERING WITH A DOCUMENT WHILE IN COURT CUSTODY, AND PROCEED AGAINST THE CONCERNED RESPONDENTS IN ACCORDANCE WITH LAW AND ETC.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

**ORAL JUDGMENT**

The appellant has preferred this appeal against the order passed by the VIII Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru, in Crl.Misc.No.202/2015 dated 20.08.2025.

2. The petitioner/appellant filed a petition that original document Ex.D6 that is sale deed dated 18.09.1967 has been tampered while in the custody of the Court, as such to make a detailed enquiry in this regard. This petition is dismissed by the VIII Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru as per order dated 20.08.2025.

3. Despite service of notice, respondent remained absent and unrepresented.

4. The appellant has filed I.A.No.1/2026 under Section 482 of Cr.P.C./528 of BNSS, 2023 to produce documents i.e. the Xerox certified copy of Ex.D6 in O.S.No.1499/2004 and certified copy marked as Ex.P12 (tampered) in Crl.Misc.No.202/2015 and the opinion obtained from the finger print expert. This application is supported with the affidavit of the appellant Sri.Srinivasa Murthy, in which it is stated that one Smt.Nagamani @ Nagaratha filed an Original Suit bearing No.1499/2004 questioning the sale deed and to declare the same as null and void. During the course of his testimony as defendant he has produced original sale deed which is marked as Ex.D6. The plaintiff preferred R.A.No.65/2012 against the judgment and decree of the trial Court and same was allowed, setting aside the judgment of trial Court with observation that the thumb finger impression was tampered in Ex.D6. After pronouncement of judgment he has filed complaint which was registered in Crl.Misc.No.202/2015 and marked the certified copy obtained from Appellate Court as Ex.P12 (tampered

document). The production of Ex.D6 (P9) and P12 are imperative for the adjudication of the present case and sought for allowing this application.

5. This application is not opposed by the respondent.

6. Considering the facts and circumstances of the case and in view of I.A.No.1/2026 filed for production of additional documents, I proceed to pass the following:

ORDER

(i) The appeal is ***allowed***;

(ii) The order passed by the VIII Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru, in Crl.Misc.No.202/2015 dated 20.08.2025 is hereby set aside;

(iii) I.A.No.1/2026 is allowed;

(iv) The appellant is permitted to produce the document before the VIII Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru;

(v) The learned VIII Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru is directed to allow this appellant for production of documents as sought for in I.A.No.1/2026 and thereafter proceed with the case in accordance with law;

(vi) Registry is directed to send the copy of the documents which are annexed to I.A.No.1/2026 along with the TCR and copy of this judgment to the concerned Court.

**Sd/-**
**(G BASAVARAJA)**
**JUDGE**

PGG
List No.: 1 Sl No.: 16