HC-KAR
NC: 2026:KHC:60438
CRL.P No. 15959 of 2026
CNR: KAHC010719362026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 15959 OF 2026

BETWEEN:

1. SWAMY @ SOMESH @ MEESE SWAMY
S/O. GOPALA GOWDA,
AGED ABOUT 41 YEARS,
RESIDING AT NO.26,
BEHIND AYYAPPA SWAMY TEMPLE,
FOOT OF CHAMUNDI HILL,
MYSURU-570010.

2. DILEEP,
S/O. LOKESH,
AGED ABOUT 32 YEARS,
RESIDING AT NO.26,
BEHIND AYYAPPA SWAMY TEMPLE,
FOOT OF CHAMUNDI HILL,
MYSURU-570010.

...PETITIONERS

(BY SRI SHIVASHANKARAPPA,ADVOCATE)

Digitally signed by BELUR RANGADHAMA NANDINI
Location: HIGH COURT OF KARNATAKA

AND:

STATE OF KARNATAKA,
BY KRISHNARAJA POLICE STATION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA BUILDING,
BENGALURU - 560 001.

...RESPONDENT

(BY SRI VINAY MAHADEVAIAH, HCGP)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO SET ASIDE THE

ORDER DATED 17.09.2026 PASSED IN S.C.NO.148/2021 (CR.NO.13/2021) OF KRISHNARAJA P.S FOR THE OFFENCE P/U/S 341,504,307,302 R/W 34 OF IPC PENDING BEFORE THE HONBLE II ADDL.DIST. AND SESSIONS JUDGE AT MYSURU AND PROVIDE AN OPPORTUNITY TO THE PETITIONERS TO CROSS EXAMINE PW-4 VIDE ANNEXURE-A.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the petitioners.

2. Learned HCGP accepts notice on behalf of the respondent-State.

3. This petition is filed challenging the order, rejecting the petitioner's application to recall PW1 to PW4.

4. Learned counsel for the petitioners would submit that PW4 was examined on 23.02.2026. The order sheet dated 23.02.2026, reads as under:-

"A1 to 4 present

CW5 Examination-In-Chief as PW5. ExpP18, MO5 to 13 marked.

*Since already vide order **dt 31.5.2024** it is ordered that cross examination of PW1 to 5 shall be completed at one stretch PW5 is bound over and directed to appear on 27.3.2026.*

Issue s/s to PW1 and 2 on 25.3.2026, PW3 and 4 on 26.3.2026

Call on 25.3.2026"

(emphasis supplied)

5. Learned counsel for the petitioner would submit that the application could not have been rejected in view of the order dated 31.05.2024.

6. Learned HCGP does not dispute the aforementioned facts. Under the circumstances, the Court is of the view that the petitioner should be permitted to cross-examine PW4.

7. The Court has also taken notice of the fact that the offences alleged are under Section 302 of Indian Penal Code, 1860 ('IPC'). The consequence of conviction is life imprisonment. Thus, to ensure complete justice the impugned order is set-aside and application filed by the petitioner is allowed.

8. Hence, the following:

CNR: KAHC010719362026

ORDER

(i) Petition is ***allowed***.

(ii) Impugned order dated 17.09.2026 passed in S.C. No.148/2021 (Crime No.13/2021) of Krishnaraja Police Station is set aside.

(iii) PW4 is recalled.

(iv) Application filed by the petitioner under Section 311 of Criminal Procedure Code is allowed.

(v) Petitioner is permitted to cross-examine PW4.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

CHS
List No.: 1 Sl No.: 57
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