

Dilipa vs the State of Karnataka

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Court : Karnataka Orders

Decided On : Feb-01-2024

Judge : Mohammad Nawaz

Appeal No. : CRL.P/209/2024

Appellant : Dilipa

Respondent : The State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF FEBRUARY, 2024 BEFORE THE HON'BLE MR JUSTICE MOHAMMAD NAWAZ CRIMINAL PETITION NO. 209 OF 2024 BETWEEN: DILIPA S/O LATE LAKSHMANA AGED ABOUT 22 YEARS, R/AT, GUNDASHETTIHALLI VILLAGE, SALAGAME HOBLI, HASSAN DISTRICT - 573215. PETITIONER (BY SRI. PRATHEEP K C.,ADVOCATE) AND:

1. THE STATE OF KARNATAKA REP BY ALUR POLICE STATION, HASSAN DISTRICT. REP. BY ITS Digitally signed

by V KRISHNA

STATE PUBLIC PROSECUTOR, Location: High

Karnataka

2. SMT. RADHA

W/O VENKATESH, AGED ABOUT 42 YEARS, R/AT, KYATHANAHALLI COLONY HASSAN, N/O. PREMA NAGARA, SAKLESH PURA TOWN, HASSAN - 573215. RESPONDENTS (BY SRI. K NAGESHWARAPPA., HCGP) -2- THIS CRL.P IS FILED U/S.439 CR.P.C PRAYING TO

ENLARGE THE PETITIONER ON BAIL IN SPL.CASE NO.397/2023 (CR.NO.99/2023) OF ALUR P.S., HASSAN DISTRICT FOR THE OFFENCE P/U/S 376(2)(n) OF IPC AND SEC.5(j), 5(l), 4, 6 OF POCSO ACT AND SEC.9 OF PROHIBITION OF CHILD MARRIAGE ACT ON THE FILE OF THE ADDL. DISTRICT AND SESSIONS JUDGE FTSC-1 AT HASAN AND PENDING ON THE FILE OF THE ADDL. DISTRICT AND SESSIONS JUDGE, FTSC-1, HASSAN.

THIS PETITION, COMING ON FOR ORDER, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The learned counsel for the petitioner has sought permission of the Court to withdraw the petition reserving liberty to the petitioner to file a fresh petition before the Sessions Court after the evidence of the victim girl is recorded.

2. In the light of the above submission, petition is

dismissed as withdrawn with a liberty to the petitioner to file a fresh petition under Section 439 of Cr.P.C. before the Sessions Court / Trial Court after completion of victim's evidence.

3. Considering that the charge sheet is already filed

and the petitioner is in judicial custody since 25.09.2023, the -3- learned Sessions Judge is requested to expedite the recording of the victim's evidence. Sd/- JUDGE
LDC List No.: 1 SI No.: 51

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