

Nagaraj V vs the State of Karnataka

Nagaraj V vs the State of Karnataka

SooperKanoon Citation : sooperkanoon.com/1860439

Court : Karnataka Orders

Decided On : Feb-01-2024

Judge : Sachin Shankar Magadum

Appeal No. : CRL.P/3831/2020

Appellant : Nagaraj V

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 SACHIN SHANKAR MAGADUM CRIMINAL
PETITION NO. 3831 OF 2020 BETWEEN:

1. SRI. NAGARAJ V S/O. VADIVELU @ VARADAPPA @
VARADARAJU, AGED ABOUT 57 YEARS, R/AT U-7, 2ND CROSS,
SRIRAMPURA, BENGALURU-560 021.
2. SRI. GANDHI. N S/O. V. NAGARAJ, AGED ABOUT 24 YEARS, R/AT
U-7, 2ND CROSS, SRIRAMPURA, BENGALURU-560 021. Digitally

signed by

CHAITHRA A 3. SRI. SHASTRI. NLocation:

S/O. V. M

KARNATAKA SRIRAMPURA, BENGALURU-560 021. PETITIONERS (BY SRI.UDAYA PRAKASH MULIYA, ADVOCATE FOR SRI. KAMALUDDIN, ADVOCATE) -2- AND:

1. THE STATE OF KARNATAKA BY SRIRAMPURA POLICE STATION REPRESENTED BY STATE PUBLIC PROSECUTOR, HIGH COURT OF KARNATAKA BANGALORE-560 001. SRI. AYUB KHAN

2. S/O ABDUL WAHAB KHAN, AGED ABOUT 52 YEARS, D.NO.24, 6TH MAIN ROAD, 2ND CROSS, BTM LAYOUT, BANGALORE CITY, KARNATAKA - 5600068 RESPONDENTS (BY SRI.M.R.PATIL, HCGP FOR R1; R2 SERVED) THIS CRL.P IS FILED U/S.482 CR.P.C BY THE ADVOCATE

FOR THE PETITIONER PRAYING TO 1.QUASH THE ENTIRE PROCEEDINGS IN S.C.NO.829/2018 OF THE 1ST RESPONDENT POLICE PENDING ON THE FILE OF THE LXVII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY FOR THE OFFENCE P/U/S 397, 120B AND 506 OF IPC (ANNEXURE-A) AND ETC., THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING: -3-

ORDER

The captioned petition is filed by accused Nos.1 to 3 seeking quashing of the proceedings pending in S.C.No.829/2018 on the file of the LXVII Additional City Civil and Sessions Judge, Bengaluru, for offences punishable under Section 397, 120B and 506 of IPC.

2. The case of the prosecution is that on 29.12.2016, the petitioners under the garb of providing place for opening petrol bunk informed respondent No.2 to

come to the house of first petitioner. Respondent No.2 along with his friend reached the house of first petitioner. They were taken inside the house and when respondent No.2 acknowledged that he has brought cash to the tune of Rs.6,20,000/-, first petitioner snatched the cash that was brought by respondent No.2 and the first petitioner along with petitioners 2 and 3 intimidated respondent No.2 by showing the gun that was in his possession. Therefore, a crime came to be registered at the instance of respondent No.2-complainant for the above said offences.

-4- The Investigating Officer after investigation has laid a charge sheet. The petitioners have filed the captioned petition seeking quashing of the proceedings in respect of the above said offences.

3. On examining the charge sheet materials, having regard to the gravity of offences indicated in the charge sheet, this Court is of the view that the proceedings cannot be quashed by invoking the inherent

jurisdiction under Section 482 of Cr.P.C. Having taken cognizance of the serious allegations that are made against the petitioners, the petitioners are bound to face the trial.

4. For the reasons stated supra, I am not inclined to grant any indulgence at this juncture. Hence, the petition is dismissed.

5. The learned counsel for the petitioners has brought to the notice of this Court that though trial has commenced and the matter is listed for evidence of -5-complainant on 24.6.2022, the matter is adjourned at least on six occasions. Therefore, having regard to the

facts of the case, the Sessions Court shall take cognizance

of the pendency of trial against the petitioners and shall expedite and decide the case at the earliest within an outer limit of one and half year. Sd/- JUDGE ALB List No.: 2 Sl No.: 6

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com