



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

CRIMINAL PETITION NO. 15186 OF 2025

C/W

CRIMINAL PETITION NO. 15187 OF 2025

CRIMINAL PETITION NO. 15216 OF 2025

IN CRL.P No. 15186/2025

BETWEEN:

1. SRI K. KIRAN
AGED ABOUT 34 YEARS
S/O P C KRISHNA
NO.2009, ASHA TOWNSHIP
DODDAGUBBI, 14TH CROSS
NEAR BRITS CLUB
BENGALURU - 560 077.
2. SRI VIMAL RAJ B.
AGED ABOUT 31 YEARS
S/O BABU RAJ
NO.10, VMV HOUSE 5TH CROSS
OLD YUKO BANK ROAD
VIJANAPURA, BENGALURU - 560 016.
3. SRI MADAN R.
AGED ABOUT 28 YEARS
S/O LATE RAJAN
NO.327, RAMAIAH BUILDING
1ST CROSS, RAMMURTHYNAGAR
K.R. PURAM, BENGALURU - 560 036.

... PETITIONERS

(BY SRI ARUN SHYAM, SENIOR ADVOCATE FOR
SRI SUYOG HERELE E., ADVOCATE)



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CRL.P No. 15186 of 2025
C/W CRL.P No. 15187 of 2025
CRL.P No. 15216 of 2025

AND:

THE STATE OF KARNATAKA
THROUGH CID
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA BUILDING
BENGALURU - 560 001.

... RESPONDENT

(BY SRI B.N. JAGADEESH, ADDL. SPP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF BHARATIYA NAGARIKA SURAKSHA SANHITHA, 2023, PRAYING TO CALL FOR RECORDS AND ALLOW THIS CRIMINAL PETITION AND QUASH THE ORDER DATED 17.10.2025 THEREBY REJECTING THE APPLICATION FILED BY THE PETITIONERS UNDER SECTION 187(3) OF BHARATHIYA NAGARIKA SURAKSHA SANHITHA, 2023 IN CRIME NO.73/2025 FOR THE OFFENCES PUNISHABLE UNDER SECTION 103, 190, 61, 189(2) & (4), 109 R/W 3(5) OF BNS 2023 AND 25(1B)(b) OF ARMS ACT, 1959 AND SECTION 3(1)(i), 3(1)(ii), 3(2), 3(3), 3(4), 3(5) AND 4 OF THE KARNATAKA CONTROL OF ORGANIZED CRIMES ACT, 2000 PENDING ON THE FILE OF THE LEARNED LXXXI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (PRODUCED AT DOCUMENT NO.1 RESPECTIVELY) AND CONSEQUENTLY ALLOW THE APPLICATION FILED BY THE PETITIONERS UNDER SECTION 187(3) OF BNSS, 2023 AS PRAYED FOR, IN THE INTEREST OF JUSTICE AND EQUITY (PRODUCED AT DOCUMENT NO.9).



IN CRL.P NO. 15187/2025

BETWEEN:

1. SRI K. KIRAN
AGED ABOUT 34 YEARS
S/O P C KRISHNA
NO.2009, ASHA TOWNSHIP
DODDAGUBBI, 14TH CROSS
NEAR BRITS CLUB
BENGALURU - 560 077.
 2. SRI VIMAL RAJ B.
AGED ABOUT 31 YEARS
S/O BABU RAJ
NO.10, VMV HOUSE 5TH CROSS
OLD YUKO BANK ROAD
VIJANAPURA
BENGALURU - 560 016.
 3. SRI MADAN R.
AGED ABOUT 28 YEARS
S/O LATE RAJAN
NO.327, RAMAIAH BUILDING
1ST CROSS, RAMMURTHYNAGAR
K.R. PURAM, BENGALURU - 560 036.
- ... PETITIONERS

(BY SRI ARUN SHYAM, SENIOR ADVOCATE FOR
SRI SUYOG HERELE E., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH CID
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA BUILDING
BENGALURU - 560 001.
- ...RESPONDENT

(BY SRI B.N. JAGADEESH, ADDL. SPP)



THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF BHARATIYA NAGARIKA SURAKSHA SANHITHA, 2023, PRAYING TO CALL FOR RECORDS AND ALLOW THIS CRIMINAL PETITION AND SET ASIDE THE ORDER DATED 17.10.2025 THEREBY ALLOWING THE APPLICATION FILED BY SPECIAL PUBLIC PROSECUTOR UNDER SECTION 22(2)(b) OF KCOCA, 2000 AND PERMITTING THE INVESTING AGENCY TO FILE A FINAL REPORT BY GRANTING FURTHER PERIOD OF 45 DAYS IN CRIME NO.73/2025 FOR THE OFFENCES PUNISHABLE UNDER SECTION 103, 190, 61, 189(2) & (4), 109 R/W 3(5) OF BNS 2023 AND 25(1B)(b) OF ARMS ACT, 1959 AND SECTION 3(1)(i), 3(1)(ii), 3(2), 3(3), 3(4), 3(5) AND 4 OF THE KARNATAKA CONTROL OF ORGANIZED CRIMES ACT, 2000 PENDING ON THE FILE OF THE LEARNED LXXXI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (PRODUCED AT DOCUMENT NO.1 RESPECTIVELY).

IN CRL.P NO. 15216/2025

BETWEEN:

1. PRADEEP
S/O KAMARAJ
AGE: - 28 YEARS
OCC: NIL
ADD: - FCI MAIN ROAD
VIJINAPURA, BANGALORE NORTH
BANGALORE - 16.



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2. V. SAMUVEL
S/O VICTOR
AGE:- 21 YEARS, OCC: NIL
ADD:- NO.134/1, 6TH CROSS
T C PALYA, BANGALORE NORTH
BANGALORE - 94.

... PETITIONERS

(BY SRI VENKATESH DALAWAI, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY CRIME INVESTIGATION DEPT
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU - 560 001.

... RESPONDENT

(BY SRI B.N. JAGADEESH, ADDL. SPP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF BHARATIYA NAGARIKA SURAKSHA SANHITHA, 2023, PRAYING TO SET ASIDE ORDER DATED 17.10.2025 PASSED BY THE LEARNED LXXXI ADDL. CITY CIVIL AND SESSIONS JUDGE AT BENGALURU (CCH-82) IN CRIME NO.73/2025 PRODUCED AT DOCUMENT NO.1 AND CONSEQUENTLY ALLOW THE APPLICATION FILED BY THE PETITIONERS UNDER SECTION 187(3) OF BNSS, 2023 IN THE INTEREST OF JUSTICE AND EQUITY.

THESE CRIMINAL PETITIONS HAVING BEEN HEARD AND RESERVED ON 24.11.2025 AND COMING ON FOR PRONOUNCEMENT OF ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:



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CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

C.A.V. ORDER

(PER: HON'BLE MR JUSTICE S SUNIL DUTT YADAV)

This Order has been Divided into following sections
to facilitate analysis:

| | | |
|-------------|--|--|
| I. | BRIEF FACTS OF THE CASE | 8 |
| II. | ANALYSIS: A. CONTENTION REGARDING NON-ENCLOSING COPY OF THE REPORT OF THE INVESTIGATING OFFICER. B. FULFILLMENT OF CONDITIONS FOR EXTENSION OF TIME FOR INVESTIGATION BEYOND 90 DAYS AS IS PERMISSIBLE IN TERMS OF PROVISIO TO SECTION 22(2)(b) OF THE KCOCA. C. APPLICATION OF MIND BY PUBLIC PROSECUTOR. D. SATISFACTION OF THE DESIGNATED JUDGE. E. PRODUCTION OF ACCUSED WHILST CONSIDERING APPLICATION FOR EXTENSION OF TIME FOR INVESTIGATION WHILE ACCUSED STILL REMAINS IN CUSTODY. | 10 37 48 50 55 |
| III. | CONCLUSION | 60 |



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Crl.P No.15186/2025 has been filed by accused nos.2, 3 and 7 calling in question the correctness of the order dated 17.10.2025 passed rejecting the application seeking to be enlarged on default bail, while extending time for investigation and for filing of final report under Section 187(3) of Bharatiya Nagarika Suraksha Sanhita, 2023 ("BNSS", for short) in Crime No.73/2025 for the offences under Sections 103, 190, 61, 189(2) & (4), 109 r/w 3 (5) of BNS, 2023 and Section 25 (1B) (b) of the Arms Act, 1959 and Section 3 (i) (ii) 3(2), 3(3), 3(4), 3(5) and 4 of the Karnataka Control of Organised Crimes Act, 2000 ("KCOCA", for short) pending on the file of learned LXXXI Additional City Civil and Sessions Judge, Bengaluru and allow the application filed by the petitioners under Section and etc.

2. Crl.P No.15187/2025 has been filed by accused nos.2, 3 and 7 calling in question the correctness of the order dated 17.10.2025 in Crime No.73/2025, allowing the application filed by the Special Public Prosecutor under



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Section 22 (2) (b) of KCOCA Act permitting the Investigating Agency to file a Final Report by granting further period of 45 days.

3. Crl.P 15216/2025 has been filed by accused nos.6 and 8 calling in question the correctness of the order dated 17.10.2025 passed under Section 187 (3) of BNSS, 2023 in Crime No.73/2025 for the offences under Sections 103, 190, 61, 189(2) & (4) , 109 r/w 3 (5) of BNS, 2023 and Section 25 (1B) (b) of the Arms Act, 1959 and Section 3 (i) (ii) 3(2), 3(3), 3(4), 3(5) and 4 of the KCOCA, pending on the file of learned LXXXI Additional City Civil and Sessions Judge, Bengaluru.

I. BRIEF FACTS OF THE CASE:-

4. Smt. Vijayalakshmi, mother of deceased, is stated to have filed a complaint to Bharathinagar Police Station on 15.07.2025 alleging that her son was murdered by certain persons and accordingly, First Information



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Report was registered in Crime No.73/2025 for the offences under Sections 103 and 190 of BNS.

5. The State of Karnataka had transferred the investigation to the CID subsequently and the said Agency has invoked the provisions of KCOCA against all the accused.

6. The accused no.6 and 8 are stated to have surrendered on 16.07.2025 and the said accused have filed an application on 15.10.2025 claiming that they are entitled to be considered for grant of Bail for failure to file investigation report within the stipulated time.

7. It is further made out from the facts that the Public Prosecutor had filed an application on 09.10.2025 for extension of time to file Final Report which application was filed under Section 22 (2) (b) of the KCOCA Act.

8. It is submitted that the Trial Court had granted extension of 45 days to file the final report and



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consequently has rejected the bail application as having become infructuous. Being aggrieved by the said order, the present petition is filed.

II. ANALYSIS:

A. CONTENTION REGARDING NON-ENCLOSING COPY OF THE REPORT OF THE INVESTIGATING OFFICER.

9. Learned Counsel appearing for accused nos.6 and 8 Sri. Venkatesh Dalwai has placed strong reliance on the judgment of the Apex Court in the case of ***Hitendra Vishnu Thakur and Others v. State of Maharashtra and Others***¹ to contend that the report of the Investigation Officer ought to have been a part of the report of the Public Prosecutor submitted to the Court. It is contended that unless the report of the Investigation Officer is referred to in the report of the Public Prosecutor, the application of mind by the Public Prosecutor as regards the report of the Investigation Officer cannot be discerned.

¹ (1994) 4 SCC 602



Reliance is placed on the observations of the Apex Court in para 23 which is extracted as bellow:

"23. We may at this stage, also on a plain reading of clause (bb) of sub-section (4) of Section 20, point out that the Legislature has provided for seeking extension of time for completion of investigation on a report of the public prosecutor. The Legislature did not purposely leave it to an investigating officer to make an application for seeking extension of time from the court. This provision is in tune with the legislative intent to have the investigations completed expeditiously and not to allow an accused to be kept in continued detention during unnecessary prolonged investigation at the whims of the police. The Legislature expects that the investigation must be completed with utmost promptitude but where it becomes necessary to seek some more time for completion of the investigation, the investigating agency must submit itself to the scrutiny of the public prosecutor in the first instance and satisfy him about the progress of the investigation and furnish reasons for seeking further custody of an accused. A public



prosecutor is an important officer of the State Government and is appointed by the State under the Code of Criminal Procedure. He is not a part of the investigating agency. He is an independent statutory authority. The public prosecutor is expected to independently apply his mind to the request of the investigating agency before submitting a report to the court for extension of time with a view to enable the investigating agency to complete the investigation. He is not merely a post office or a forwarding agency. A public prosecutor may or may not agree with the reasons given by the investigating officer for seeking extension of time and may find that the investigation had not progressed in the proper manner or that there has been unnecessary, deliberate or avoidable delay in completing the investigation. In that event, he may not submit any report to the court under clause (bb) to seek extension of time. Thus, for seeking extension of time under clause (bb), the public prosecutor after an independent application of his mind to the request of the investigating agency is required to make a report to the Designated Court



indicating therein the progress of the investigation and disclosing justification for keeping the accused in further custody to enable the investigating agency to complete the investigation. The public prosecutor may attach the request of the investigating officer along with his request or application and report, but his report, as envisaged under clause (bb), must disclose on the face of it that he has applied his mind and was satisfied with the progress of the investigation and considered grant of further time to complete the investigation necessary. The use of the expression "on the report of the public prosecutor indicating the progress of the investigation and the specific reasons for the detention of the accused beyond the said period" as occurring in clause (bb) in sub-section (2) of Section 167 as amended by Section 20(4) are important and indicative of the legislative intent not to keep an accused in custody unreasonably and to grant extension only on the report of the public prosecutor. The report of the public prosecutor, therefore, is not merely a formality but a very vital report,



because the consequence of its acceptance affects the liberty of an accused and it must, therefore, strictly comply with the requirements as contained in clause (bb). The request of an investigating officer for extension of time is no substitute for the report of the public prosecutor. Where either no report as is envisaged by clause (bb) is filed or the report filed by the public prosecutor is not accepted by the Designated Court, since the grant of extension of time under clause (bb) is neither a formality nor automatic, the necessary corollary would be that an accused would be entitled to seek bail and the court 'shall' release him on bail if he furnishes bail as required by the Designated Court. It is not merely the question of form in which the request for extension under clause (bb) is made but one of substance. The contents of the report to be submitted by the public prosecutor, after proper application of his mind, are designed to assist the Designated Court to independently decide whether or not extension should be granted in a given case. Keeping in view the consequences of the grant of



extension i.e. keeping an accused in further custody, the Designated Court must be satisfied for the justification, from the report of the public prosecutor, to grant extension of time to complete the investigation. Where the Designated Court declines to grant such an extension, the right to be released on bail on account of the 'default' of the prosecution becomes infeasible and cannot be defeated by reasons other than those contemplated by sub-section (4) of Section 20 as discussed in the earlier part of this judgment. We are unable to agree with Mr Madhava Reddy or the Additional Solicitor General Mr Tulsi that even if the public prosecutor 'presents' the request of the investigating officer to the court or 'forwards' the request of the investigating officer to the court, it should be construed to be the report of the public prosecutor. There is no scope for such a construction when we are dealing with the liberty of a citizen. The courts are expected to zealously safeguard his liberty. Clause (bb) has to be read and interpreted on its plain language without addition or substitution of any expression in it. We have



already dealt with the importance of the report of the public prosecutor and emphasised that he is neither a 'post office' of the investigating agency nor its 'forwarding agency' but is charged with a statutory duty. He must apply his mind to the facts and circumstances of the case and his report must disclose on the face of it that he had applied his mind to the twin conditions contained in clause (bb) of sub-section (4) of Section 20. Since the law requires him to submit the report as envisaged by the section, he must act in the manner as provided by the section and in no other manner. A Designated Court which overlooks and ignores the requirements of a valid report fails in the performance of one of its essential duties and renders its order under clause (bb) vulnerable. Whether the public prosecutor labels his report as a report or as an application for extension, would not be of much consequence so long as it demonstrates on the face of it that he has applied his mind and is satisfied with the progress of the investigation and the genuineness of the reasons for grant of extension to keep an



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accused in further custody as envisaged by clause (bb) (supra). Even the mere reproduction of the application or request of the investigating officer by the public prosecutor in his report, without demonstration of the application of his mind and recording his own satisfaction, would not render his report as the one envisaged by clause (bb) and it would not be a proper report to seek extension of time. In the absence of an appropriate report the Designated Court would have no jurisdiction to deny to an accused his indefeasible right to be released on bail on account of the default of the prosecution to file the challan within the prescribed time if an accused seeks and is prepared to furnish the bail bonds as directed by the court. Moreover, no extension can be granted to keep an accused in custody beyond the prescribed period except to enable the investigation to be completed and as already stated before any extension is granted under clause (bb), the accused must be put on notice and permitted to have his say so as to be able to object to the grant of extension."



10. Accordingly, it is submitted that Investigation Officer's report not being made available to the court as it was not part of the report of the Public Prosecutor, the Special Court was deprived of relevant material to arrive at a conclusion to extend the period of investigation to file Final Report by accepting the reasons made out.

11. At the outset, it would be necessary to extract the relevant statutory provisions.

Relevant extracts of Section 167 (2) of Cr.P.C., reads as follows:

"(2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time authorise the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole; and if he has no jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction:



Provided that:

(a) [the Magistrate may authorise the detention of the accused person, otherwise than in the custody of the police, beyond the period of fifteen days, if he is satisfied that adequate grounds exist for doing so, but no Magistrate shall authorise the detention of the accused person in custody under this paragraph for a total period exceeding, -

(i) ninety days, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of not less than ten years;

(ii) sixty days, where the investigation relates to any other offence, and, on the expiry of the said period of ninety days, or sixty days, as the case may be, the accused person shall be released on bail if he is prepared to and does furnish bail, and every person released on bail under this sub-section shall be deemed to be so released under the provisions of Chapter XXXIII for the purposes of that Chapter;]



[(b) no Magistrate shall authorise detention of the accused in custody of the police under this Section unless the accused is produced before him in person for the first time and subsequently every time till the accused remains in the custody of the police, but the Magistrate may extend further detention in judicial custody on production of the accused either in person or through the medium of electronic video linkage.]

[(c) no Magistrate of the second class, not specially empowered in this behalf by the High Court, shall authorise detention in the custody of the police.

[Explanation I - For the avoidance of doubts, it is hereby declared that, notwithstanding the expiry of the period specified in paragraph (a), the accused shall be detained in custody so long as he does not furnish bail.]

Relevant extracts of Section 187 (3) of Bharatiya
Nagarik Suraksha Sanhita, 2023 reads as follows:



(1) XXX

(2) XXX

(3) *"The Magistrate may authorise the detention of the accused person, beyond the period of fifteen days, if he is satisfied that adequate grounds exist for doing so, but no Magistrate shall authorise the detention of the accused person in custody under this sub-section for a total period exceeding-*

(i) ninety days, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of ten years or more;

(ii) sixty days, where the investigation relates to any other offence, and, on the expiry of the said period of ninety days, or sixty days, as the case may be, the accused person shall be released on bail if he is prepared to and does furnish bail, and every person released on bail under this sub-section shall be deemed to be so released under the provisions of Chapter XXXV for the purposes of that Chapter."



Relevant extracts of Section 22 (2) of KCOCA reads as follows:

"22. Modified application of certain provisions of the Code. -

(1) XXXX

(2) Section 167 of the Code shall apply in relation to a case involving an offence punishable under this Act subject to the modifications that, in sub-section (2), -

(a) The references to "fifteen days" and "Sixty days" wherever they occur, shall be constructed as references to "Thirty days" and "ninety days" respectively;

(b) After the proviso, the following proviso shall be inserted namely:- "Provided further that if it is not possible to complete the investigation within the said period of ninety days, the Special Court shall extend the said period up to one hundred and eighty days on the report of the Public Prosecutor indicating the progress of the investigation and the



specific reasons for the detention of the accused beyond the said period of ninety days."

12. As rightly pointed out by the Additional State Public Prosecutor, the power of the court to extend time for filing the Final Report, is premised on acceptance of the reasons assigned by way of "report of the Public Prosecutor indicating the progress of investigation and specific reasons for the detention of the accused beyond the period of Ninety days".

13. The plain language of proviso to Section 22 (2) (b) would indicate that the Special Court is to take an appropriate decision on the "report of the Public Prosecutor".

14. No doubt, in para 23 in ***Hitendra Vishnu Thakur (supra)*** the Apex Court has in extenso referred the importance of the Public Prosecutor applying his mind to the requisition of the Investigating Officer. However, a careful reading of the observations of the Apex Court



would reveal that the Apex Court has infact in para 23 remarked that, ".... the Public Prosecutor may attach the request of the Investigating Officer along with his request or application and report..." **(emphasis supplied)**

15. The Apex Court has reiterated that the report of the Public Prosecutor is not a mere formality. However, the discussion touching upon the importance of the report of the Investigating Officer which is to be subjected to scrutiny by the Public Prosecutor does not have the effect rendering the report of the Public Prosecutor vitiated if the same does not contain the report of the Investigating Officer as an Annexure.

16. The observations of the Apex Court cannot be read without referring to the factual matrix that was under consideration. The factual matrix is reflected in Para 36, 37 and 38 of the judgment in ***Hitendra Vishnu Thakur (supra)***.



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17. The Apex Court has noticed that what was before the designated Judge was an application filed by the Sub-Divisional Police Officer and addressed to the designated Judge. Para 36 and 37 are extracted for reference and would throw light on the factual matrix.

"36. The application for extension which was treated as a report of the Public Prosecutor by the Designated Court and on which extension of time for completion of investigation and filing of charge-sheet was granted has been filed by the appellant as an Annexure P-5 which is available at page 110 of the paper-book and reads thus:

*"OUT WARD No. 90/89-P-1993
SUB-DIVISIONAL POLICE OFFICER,
WESTERN RAILWAY,
CHURCHGATE, BOMBAY.*

Date : June 29, 1993

*To,
Hon'ble Designated Judge,
Designated Court,
Pune.*

*Sub: Regarding progress of investigation
and request for extension of period to file the
charge-sheet under CR No. 90 of 1989 under*



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Sections 302, 338, 114, 120(b), 147, 148, 149 of IPC and under Sections 3/25(1)(c) of Indian Arms Act and under Section 3 of TADA registered at Palghar Police Railway Station.

Respected Sir,

With regard to the above, I have to state that with permission of District and Sessions Judge of Thane the investigation of the above case is continued from 23-9-1992....

Received on 12-7-1993

*Sd/—
Judge.*

Respectfully submitted

Date: 29-6-1993

*Sd/—
(M.V. Deshmukh)
Sub-Divisional Police Officer
D.R.
Churchgate, Bombay.*

Submitted to:

*Shri Vijay Sawant,
Specially appointed Government Pleader,
Designated Court, Pune."*

37. As would be seen from the application itself, it is not a report of the Public Prosecutor but an application filed by the Sub-Divisional Police Officer and is addressed to the Designated Judge of the Designated Court.



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Even if it be assumed from the endorsement at the bottom of the letter which reads thus:

*"Submitted to:
Shri Vijay Sawant,
Specially appointed Government Pleader,
Designated Court, Pune."]*

that the application was submitted to the Public Prosecutor and not directly to the Designated Court, in vain have we searched for any material on the record to show that the Public Prosecutor filed any report along with this application before the Designated Court. In fact learned counsel for the respondents admitted that besides the application, extracted above, no other report was filed by the Public Prosecutor to seek extension of time for completion of the investigation as envisaged by clause (bb) of Section 20(4) of TADA though the Public Prosecutor had filed his objections to the bail application filed under Section 20(4) of TADA read with Section 167(2) of the Code. The Designated Court treated the application of the investigating officer as a report from the Public Prosecutor as is obvious from the following observations of the Designated Court:



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"It is pertinent to note that in these applications the Investigating Officer had forwarded the report indicating the progress of the investigation on 29-6-1993 and in the said progress report he prayed for extension of two months' time for submitting the charge-sheet on the ground that the prosecution wants to seek sanction of the Inspector General of Police. It may be noted that as per the Amendment Act, 1993, Section 20-A has been added and as per this provision, the previous sanction of the Inspector General of Police would be necessary. Similarly, it is mentioned in the said report that in this matter four police officers have also been involved and prior sanction of the Government for prosecuting the government servants as per the provisions of Section 197 CrPC (is required). Thus, the investigating officer wants time for making compliance of law. Taking into consideration very serious and complicated nature of the offence the prayer for extension of two months' time from 29-6-1993 appears reasonable for seeking sanction to file charge-sheet. It is contended on behalf of the applicant-accused



that a report of the Public Prosecutor is necessary. It may be noted that the Public Prosecutor while giving his reply has referred to this report of the investigating officer and prayed for extension of time. The Public Prosecutor is also required to obtain the report from the investigating officer and on the basis of that report the Public Prosecutor files the reply in the court. The reply of the Public Prosecutor, read with the report dated 29-6-1993 of the investigating officer, is sufficient compliance of the report contemplated under the proviso (bb) indicating the progress of the investigation. Therefore the extension will have to be granted to the investigating machinery for two months from 29-6-1993. In the result the bail cannot be granted."

18. The Apex Court then proceeds to specifically observe that the request of the Investigating Agency cannot be treated as report of the Public Prosecutor. The observations at Para 38 reads as follows:

"38. We are unable to persuade ourselves to accept the view of the Designated Court that



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since the application of the investigating officer was supported by the Public Prosecutor, the request of the investigating agency could be treated as the report of the Public Prosecutor when read with the objections filed by the Public Prosecutor to the bail application. The observations of the Designated Court show that the said court lost sight of the importance of the report and treated the whole thing in a rather casual manner. The application of the investigating officer dated 29-6-1993, reproduced above, can by no stretch of imagination be construed as a report of the Public Prosecutor as envisaged by Section 20(4)(bb) of TADA and therefore no extension under clause (bb) could have been granted by the Designated Court without the receipt of the report of the Public Prosecutor. That apart, even if we ignore the discrepancy in the various dates regarding the presentation of the application in the court it appears from a bare perusal of the application of the investigating officer that the Public Prosecutor did not even endorse the application with any comments to indicate as to whether or not he was agreeing



with the statements contained in the application. The Public Prosecutor obviously did not apply his mind to the request of the investigating agency and merely acted as its 'post office'. The Designated Court was deprived of the opportunity of scrutinising the report of the Public Prosecutor before granting extension. We need not, therefore, even comment upon the reasons given by the investigating officer in the application to test their correctness or otherwise because we are firmly of the view that the said letter/application of the investigating officer cannot be construed or treated as a substitute for the report of the Public Prosecutor as contemplated by clause (bb) of Section 20(4) of TADA. Faced with this situation, learned counsel for the respondents submitted that the objections filed by the Public Prosecutor to the bail application read with the application of the investigating officer may be held to be substantial compliance with the requirements of clause (bb). We cannot agree."



19. The observations made by the court must be read in context and the judgment is not an authority for what it lays down in the abstract but is an authority for what it lays down in the context of a particular factual matrix. It would be relevant to notice observations of the Apex Court in ***Deepak Bajaj v. State of Maharashtra***,² which reads as follows:

"7. It is well settled that the judgment of a court is not to be read mechanically as a Euclid's theorem nor as if it were a statute....

....17. As held in *Bharat Petroleum Corpn. Ltd. v. N.R. Vairamani* [(2004) 8 SCC 579: AIR 2004 SC 4778] a decision cannot be relied on without disclosing the factual situation. In the same judgment this Court also observed: (SCC pp. 584-85, paras 9-12)

9. Courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. *Observations of courts are neither to be read as Euclid's theorems nor as provisions of a statute and that too taken out of their context.* (emphasis in original) These observations must be read in the context in which they appear to have been stated. Judgments of courts are not to be construed as statutes. To interpret words, phrases

² (2008) 16 SCC 14



and provisions of a statute, it may become necessary for Judges to embark into lengthy discussions but the discussion is meant to explain and not to define. Judges interpret statutes, they do not interpret judgments. They interpret words of statutes; *their words are not to be interpreted as statutes.* (emphasis supplied) In *London Graving Dock Co. Ltd. v. Horton* [1951 AC 737: (1951) 2 All ER 1 (HL)] (AC at p. 761), Lord MacDermott observed: (All ER p. 14 C-D)

"... The matter cannot, of course, be settled merely by treating the *ipsissima verba* of Willes, J. as though they were part of an Act of Parliament and applying the rules of interpretation appropriate thereto. This is not to detract from the great weight to be given to the language actually used by that most distinguished Judge, ..."

10. In *Home Office v. Dorset Yacht Co. Ltd.* [1970 AC 1004: (1970) 2 WLR 1140: (1970) 2 All ER 294 (HL)] Lord Reid said:

"... Lord Atkin's speech ... is not to be treated as if it were a statutory definition. It will require qualification in new circumstances."

Megarry, J. in *Shepherd Homes Ltd. v. Sandham* (No. 2) [(1971) 1 WLR 1062: (1971) 2 All ER 1267] observed: (All ER p. 1274 d)



"... One must not, of course, construe even a reserved judgment of even Russell, L.J. as if it were an Act of Parliament;"

And, in *British Railways Board v. Herrington* [1972 AC 877: (1972) 2 WLR 537: (1972) 1 All ER 749 (HL)] Lord Morris said: (All ER p. 761 c)

"... There is always peril in treating the words of a speech or a judgment as though they were words in a legislative enactment, and it is to be remembered that judicial utterances are made in the setting of the facts of a particular case."

11. Circumstantial flexibility, *one additional or different fact may make a world of difference between conclusions in two cases*. Disposal of cases by blindly placing reliance on a decision is not proper.

12. The following words of Lord Denning in the matter of applying precedents have become locus classicus:

"Each case depends on its own facts and a close similarity between one case and another is not enough because *even a single significant detail may alter the entire aspect*; in deciding such cases, one should avoid the temptation to decide cases (as said by Cardozo [, J.]) by matching the colour of one case against the colour of another. To decide therefore, on which side of the line a



case falls, the broad resemblance to another case is not at all decisive.

Precedent should be followed only so far as it marks the path of justice, but you must cut the dead wood and trim off the side branches else you will find yourself lost in thickets and branches. (emphasis in original) My plea is to keep the path of justice clear of obstructions which could impede it.

(emphasis supplied)"" "

The same view was taken by this Court in *Sarva Shramik Sanghatana (KV) v. State of Maharashtra* [(2008) 1 SCC 494: (2008) 1 SCC (L&S) 215: AIR 2008 SC 946] (SCC pp. 499-501, paras 14-17) and in *Govt. of Karnataka v. Gowramma* [(2007) 13 SCC 482: AIR 2008 SC 863]."

20. The observation of the Apex Court in ***Hitendra Vishnu Thakur (supra)*** at Para 23 throwing light on the distinction between the inputs of the Investigating Officer vis-à-vis report of the Public Prosecutor is in the context of a report of the Investigating Officer being presented to the court without a separate report of the Public Prosecutor. It is in such context, that the Apex Court has emphasised the distinction between the inputs of the Investigating



Officer and the role of the Public Prosecutor in submitting a report to the Court after applying his mind.

21. If the observations of the Apex Court are understood in such context, there is no ambiguity. In fact, the Apex Court has specifically observed that the Public Prosecutor may attach the request of the Investigating Officer. Accordingly, even a reading of the plain language would not admit of a mandatory requirement to attach the report of the Investigating Officer along with the report of the Public Prosecutor.

22. It is necessary to be cognizant of the legal position that unless the Final Report is submitted by the Investigating Agency to the Court the prosecution cannot be compelled to divulge the extent and stage of investigation. Though if in the opinion of the Investigating Officer they are entitled to waive such privilege, which is the prerogative of the prosecution.



23. The absence of annexing the report of the Investigating Officer would not denude the legal value to be attached to the report of the Public Prosecutor.

B. FULFILLMENT OF CONDITIONS FOR EXTENSION OF TIME FOR INVESTIGATION BEYOND 90 DAYS AS IS PERMISSIBLE IN TERMS OF PROVISO TO SECTION 22(2)(b) OF THE KCOCA.

24. In terms of the proviso inserted as specified under Section 22 (2) (b) the detention of the accused may be further extended beyond the period of 90 days as provided under the Code of Criminal Procedure up to a period of 180 days.

25. The proviso which provides for such extension as inserted by Section 22 (2) (b) of KCOCA, reads as follows:

22. (2) (b) After the proviso, the following proviso shall be inserted namely:- "Provided further that if it is not possible to complete the investigation within the said period of ninety days, the Special Court shall extend the said period up to one hundred and eighty days on the report of the Public Prosecutor indicating the progress of the investigation and the specific reasons for the detention of the accused beyond the said period of ninety days."



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26. What becomes clear is that such extension beyond 90 days would be permissible where:

- i) On the report of the Public Prosecutor indicating progress of investigation.
- ii) Assigning specific reasons for detention of accused beyond the period of 90 days.

27. At the outset, the uncontroverted facts would reveal that the application seeking extension is filed well within the period of 90 days. The report of the Public Prosecutor is detailed. A perusal of the report would reveal:

(a) Progress of investigation at Point 1 to 17 which is self-explanatory is extracted as below:

"ಸ್ಥಳೀಯ ಪೊಲೀಸರ ತನಿಖೆ"

1. ತನಿಖೆ ಕೈಗೊಂಡ ಪೊಲೀಸ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್, ಭಾರತಿ ನಗರ ಪೊಲೀಸ್ ಠಾಣೆ ರವರು ಕೃತ್ಯ ನಡೆದ ಸ್ಥಳಕ್ಕೆ ಸೋಕೋ ಅಧಿಕಾರಿಗಳೊಂದಿಗೆ ಭೇಟಿ ನೀಡಿ 1) Control swab collected from the road. 2) Supsected (sic) blood stained swab collected from the road at the place of incident. 3) Suspected blood stained Right shoe collected from the road at the place of incident ಸಂಗ್ರಹಿಸಿ ಪೋಟೋಗಳನ್ನು ತೆಗೆದಿರುತ್ತಾರೆ. ಸದರಿ ವಸ್ತುಗಳನ್ನು ಎಫ್.ಎಸ್.ಎಲ್. ತಜ್ಞರ ಪರೀಕ್ಷೆಗೆ ರವಾನಿಸಿರುತ್ತಾರೆ.



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2. ಮೃತನ ಶವ ಪಂಚನಾಮ ಕೈಗೊಂಡು, ಬೌರಿಂಗ್ ಮತ್ತು ಲೇಡಿ ಕರ್ಜನ್ ಆಸ್ಪತ್ರೆ, ಬೆಂಗಳೂರು ಡಾ|| ನಾಗೇಶ್ ಕುಪ್ಪಸ್ವಿ, ಸಹಾಯಕ ಪ್ರಾಧ್ಯಾಪಕರು, ವಿಧಿ ವೈದ್ಯ ವಿಭಾಗ ರವರು ಮೃತನ ದೇಹವನ್ನು ದಿನಾಂಕ:16.07.2025 ರಂದು ಶವಪರೀಕ್ಷೆ ಮಾಡಿಸಿದ್ದು, ವೈದ್ಯಾಧಿಕಾರಿಗಳು ಮೃತ ದೇಹದ ಮೇಲೆ 45 ಗಾಯಗಳನ್ನು ನಮೂದಿಸಿ ಮೃತನ ಸಾವಿಗೆ "DEATH IS DUE TO NEUROGENIC SHOCK DUE TO INJURIES SUSTAINED OVER THE HEAD. FACE, NECK AND THORACO-ABDOMINAL REGION ಎಂದು ಅಭಿಪ್ರಾಯ ನೀಡಿರುತ್ತಾರೆ.

3. ಮೃತನ ವಿಸೇರಾ ಮತ್ತು ಬಟ್ಟೆಗಳನ್ನು ಸಂಗ್ರಹಿಸಿದ್ದು ಎಫ್.ಎಸ್.ಎಲ್. ತಜ್ಞರ ಪರೀಕ್ಷೆಗೆ ಒಳಪಡಿಸಿ ಪ್ರತ್ಯಕ್ಷ ಸಾಕ್ಷಿದಾರರಾದ ಶ್ರೀ ಇಮ್ಮಾನ್‌ಖಾನ್ (ಡೈವರ್) ಮತ್ತು ಶ್ರೀ ಲೋಕೇಶ್ (ಡೈವರ್) ರವರುಗಳ ಹೇಳಿಕೆಗಳನ್ನು ದಾಖಲಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

4. ಕೃತ್ಯ ನಡೆದ ಸ್ಥಳದ ಹಾಗೂ ಇತರೆ ಸ್ಥಳಗಳ ಸಿಸಿಟಿವಿ ದೃಶ್ಯಾವಳಿಗಳನ್ನು ಮತ್ತು ಮೊಬೈಲ್ ನೆಟ್ವರ್ಕ್‌ಗಳ ಟವರ್ ಡಂಪ್ ದಾಖಲಾತಿಗಳನ್ನು ಸಂಗ್ರಹಿಸಿ, ಪ್ರತ್ಯಕ್ಷ ಸಾಕ್ಷಿದಾರನಾದ ಶ್ರೀ ಲೋಕೇಶ್ (ಡೈವರ್) ಈತನು ತನ್ನ ಓಪ್ಪೊ ಕಂಪನಿ ಎಫ್-27 ಮೊಬೈಲ್ ಫೋನ್‌ನ್ನು ಜಪ್ತುಪಡಿಸಿರುತ್ತಾರೆ.

5. ದಿನಾಂಕ 16.07.2025 ರಂದು ಎ-2 ಕಿರಣ್ ಕೆ., ಎ-3 ವಿಮಲ್ ರಾಜ್, ಎ-6 ಪ್ರದೀಪ್, ಎ-7 ಮದನ್ ಮತ್ತು ಎ-8 ಸ್ಯಾಮುಯಲ್ ರವರುಗಳನ್ನು, ಹಾಗೂ ದಿನಾಂಕ: 19.07.2025 ರಂದು ಎ-9 ಅರುಣ್ ಕುಮಾರ್ @ ಟಿಮೋ. ಎ-10 ನವೀನ್ ಕುಮಾರ್ @ ನವೀನ್ ಮತ್ತು ದಿನಾಂಕ: 22.07.2025 ರಂದು ಎ-11 ಶಿವ @ ಆಟೋ ಶಿವ, ಎ-12 ಮನೋಜ್ ಕೆ @ ಮನು, ಎ-13 ಎ ಪ್ರಸಾದ್. ಎ-14 ನರಸಿಂಹಮೂರ್ತಿ @ ಸಿಂಹ, ಎ-16 ಮುರುಗೇಶ್ ಕೆ. ಎ-17 ಸುದರ್ಶನ್ @ ಚಿಕ್ಕು, ಎ-18 ಅವಿನಾಶ್ ಎಂ @ ಅಬಿ. ಎ-18 ಪ್ಯಾಟ್ರಿಕ್, ಹಾಗೂ ದಿನಾಂಕ: 25/07/2025 ರಂದು ಎ-19 ಕಿರಣ @ ಡೆಡ್ಲಿ ಕಿರಣ ಈತನನ್ನು ದಸ್ತಗಿರಿ ಮಾಡಿ ತನಿಖೆಗೆ ಒಳಪಡಿಸಿರುತ್ತಾರೆ.

6. ಕೃತ್ಯಕ್ಕೆ ಬಳಸಿದ ಸ್ಕಾರ್ಪಿಯೋ ವಾಹನ ಸಂಖ್ಯೆ: ಕೆ-53ಪಿ-7193 ಜಪ್ತುಪಡಿಸಿ ಸೋಕೋ ಅಧಿಕಾರಿಗಳು ಪರಿಶೀಲಿಸಿ ವಾಹನದಲ್ಲಿದ್ದ ಒಂದು ಮಚ್ಚು, ರಕ್ತದ ಸ್ಯಾಂಪಲ್, ಕೂದಲು, 3 ಹೆಲೆಟ್‌ಗಳನ್ನು ಜಪ್ತುಪಡಿಸಿರುತ್ತಾರೆ.

7. ತನಿಖಾ ಕಾಲದಲ್ಲಿ ಆರೋಪಿ-2 ಕೆ. ಕಿರಣ್ ತೋರಿಸಿ ಗುರುತಿಸಿದ ಕೆಎ-03 ಕೆಡಬ್ಲ್ಯೂ-9424 ಆಕ್ಸಿಸ್ ದ್ವಿಚಕ್ರ ವಾಹನ, ಕೆಎ-17 ಇಪಿ-9608 ರಾಯಲ್ ಎನ್ ಫೀಲ್ಡ್ ಬುಲೆಟ್ ಮತ್ತು ಕೆಎ-03 ಕೆಎಂ-4393 ಬ್ಲಾಕ್ ಎನ್ಬಾರ್ಕ್ ದ್ವಿಚಕ್ರ ವಾಹನ ಮತ್ತು 02 ಹೆಲೆಟ್‌ಗಳು ಹಾಗೂ ಆರೋಪಿ-3 ವಿಮಲ್ ರಾಜ್, ಆರೋಪಿ-6 ಪ್ರದೀಪ್, ಆರೋಪಿ-7



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ಮದನ್ ಮತ್ತು ಆರೋಪಿ-8 ಸ್ಯಾಮುಯಲ್ ರವರು ತೋರಿಸಿದ ಕೃತ್ಯ ನಡೆದ ಸಮಯದಲ್ಲಿ ಧರಿಸಿದ್ದ ಬಟ್ಟೆಗಳನ್ನು ಬದಲಾಯಿಸಿದ ಸ್ಥಳವನ್ನು ಹಾಗೂ ರಕ್ತ ಹತ್ತಿದ ಬಟ್ಟೆಗಳನ್ನು ಸುಟ್ಟ ಸ್ಥಳದ ಮಹಜರ್ ಕ್ರಮ ಜರುಗಿಸಿರುತ್ತಾರೆ.

8. ದಿನಾಂಕ: 21 ಮತ್ತು 22.07.2025 ರಂದು ಆರೋಪಿ-2 ಕಿರಣ್ ಮತ್ತು ಆರೋಪಿ-3 ವಿಮಲ್ ರವರ ವಾಸದ ಮನೆ ಅಂಜಿನಪ್ಪ ಲೇಔಟ್, 6ನೇ ಕ್ರಾಸ್, ಮನೆಯ ಮುಂಭಾಗ ವರಾಂಡದಲ್ಲಿ 2025ರ ಏಪ್ರಿಲ್ ತಿಂಗಳಲ್ಲಿ ಒಳಸಂಚು ರೂಪಿಸಿದ ಸ್ಥಳವನ್ನು ಹಾಗೂ ಆರೋಪಿ-2 ಕೆ. ಕಿರಣ್, ಆರೋಪಿ-3 ವಿಮಲ್, ಆರೋಪಿ-4 ಮದನ್, ಆರೋಪಿ-5 ಸಾಮ್ಯುಯಲ್, ಆರೋಪಿ-15 ಪ್ಯಾಟ್ರಿಕ್, ಆರೋಪಿ-10 ಪ್ರಸಾದ್ ಮತ್ತು ಆರೋಪಿ-9 ಮನೋಜ @ ಮನು ರವರೊಂದಿಗೆ 8 ರಿಂದ 10 ಬಾರಿ ಒಳಸಂಚು ರೂಪಿಸಿದ ಸ್ಥಳವಾದ ವಿಜಿನಾಪುರ ಆಟದ ಮೈದಾನದ ಮಧ್ಯದ ಸ್ಥಳವನ್ನು ಪಂಚನಾಮೆ ಕೈಗೊಂಡಿರುತ್ತಾರೆ.

9. ಆರೋಪಿ-2 ಕೆ.ಕಿರಣ್, ಆರೋಪಿ-3 ವಿಮಲ್, ಆರೋಪಿ-6 ಪ್ರದೀಪ್, ಆರೋಪಿ-7 ಮದನ್. ಆರೋಪಿ-8 ಸಾಮ್ಯುಯಲ್ ರವರು ಶಿವಪ್ರಕಾಶ್‌ನನ್ನು ಕೊಲೆ ಮಾಡಿದ ಸ್ಥಳವನ್ನು ತೋರಿಸಿದ್ದು ಸದರಿ ಸ್ಥಳದ ಪಂಚನಾಮೆ ಕೈಗೊಂಡಿರುತ್ತಾರೆ.

10. ಆರೋಪಿ-2 ಕೆ ಕಿರಣ್ ಈತನು ಹೇಳಿಕೆಯಲ್ಲಿ ಸದರಿ ಕೃತ್ಯ ಎಸಗಲು ಈತನು ಕೃತ್ಯಕ್ಕೆ ಬಳಸಿದ್ದ ಮಾರಾಕಾಸ್ತ ಮತ್ತು ತನ್ನ ಮೊಬೈಲ್‌ಫೋನ್ ಅನ್ನು ಕಿತ್ತಗನೂರು ಕೆರೆಗೆ ಬಿಸಾಡಿರುವುದಾಗಿ ತಿಳಿಸಿದ್ದು, ಸದರಿ ಸ್ಥಳದ ಪಂಚನಾಮೆ ಕೈಗೊಂಡು ಕೃತ್ಯಕ್ಕೆ ಉಪಯೋಗಿಸಿದ್ದ 01 ಮಾರಾಕಾಸ್ತವನ್ನು ಜಪ್ತಿಪಡಿಸಿರುತ್ತಾರೆ ಮತ್ತು ಮೊಬೈಲ್‌ಫೋನ್ ಅನ್ನು ಪತ್ತೆ ಮಾಡಲು ಕ್ರಮವಹಿಸಿರುತ್ತಾರೆ. ಆರೋಪಿ-3 ವಿಮಲ್, ಆರೋಪಿ-7 ಮದನ್, ಆರೋಪಿ-9 ಅರುಣ್ ಕುಮಾರ್ ರವರು ಕೃತ್ಯ ಎಸಗಲು ಉಪಯೋಗಿಸಿದ್ದ 03 ಮಾರಾಕಾಸ್ತಗಳನ್ನು ಕಿತ್ತಗನೂರು ಕೆರೆಯ ಪಕ್ಕದಲ್ಲಿ ತೋರಿಸಿ ಹಾಜರುಪಡಿಸಿದ್ದು ಒಟ್ಟು-4 ಮಾರಕಾಸ್ತಗಳನ್ನು ಜಪ್ತಿಪಡಿಸಿರುತ್ತಾರೆ.

11. ದಿನಾಂಕ: 24.07.2025 ರಂದು ಆರೋಪಿ-6 ಪ್ರದೀಪ್ ಮತ್ತು ಆರೋಪಿ-7 ಮದನ್ ರವರ ಮನೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿ ಮನೆಯಲ್ಲಿದ್ದ ಸಿ.ಸಿ.ಟಿ.ವಿ. ಕುರಿತು ಡಿ.ವಿ.ಆರ್ ಅನ್ನು ಜಪ್ತಿಪಡಿಸಿ ನಂತರ ಆರೋಪಿ ಜಗದೀಶ್ @ಜಗ್ಗ ಈತನು ಐಸಿಐಬಿ ಬ್ಯಾಂಕ್ ಅಕೌಂಟ್ ನಂ. 029801525916 ರಲ್ಲಿನ ರೂ.1,10,79,977/- ಗಳನ್ನು ದಿನಾಂಕ 23.07.2025 ರಂದು ಮತ್ತು ಐಡಿಬಿಬಿ ಬ್ಯಾಂಕ್ ಅಕೌಂಟ್ ನಂ. 10233461666 ರಲ್ಲಿನ ರೂ.33,51,103/- ಗಳನ್ನು ದಿನಾಂಕ 23.07.2025 ರಂದು ಫ್ರೀಜ್ ಮಾಡಿರುತ್ತಾರೆ.

12. ಪೊಲೀಸ್ ಪ್ರಧಾನ ಕಛೇರಿ ಫ್ಯಾಕ್ಸ್ ಸಂದೇಶ ಸಂ: ಎಲ್ & ಓ (6)/111/2025, ದಿನಾಂಕ: 24.07.2025 ರ ಅದೇಶದಂತೆ ಪ್ರಕರಣದ ತನಿಖೆಯನ್ನು ಸಿ.ಐ.ಡಿ.ಗೆ ವಹಿಸಿದ್ದು ಶ್ರೀ.ಎಂ.ಹೆಚ್.ಉಮೇಶ್, ಡಿವೈ.ಎಸ್.ಪಿ. ಹೆಚ್ & ಬಿ ವಿಭಾಗ,



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ಸಿ.ಐ.ಡಿ ಬೆಂಗಳೂರು ರವರು ದಿನಾಂಕ 26.07.2025 ರಂದು ತನಿಖೆಯನ್ನು ಕೈಗೊಂಡು ತನಿಖಾ ಕಾಲದಲ್ಲಿ ಹೆಚ್ಚುವರಿ ಕಲಂಗಳಾದ 61, 189(2) & (4), 109 ಸಹಿತ 3(5) ಬಿ.ಎನ್.ಎಸ್. ಆಕ್ಟ್ ಮತ್ತು 25(1B)(b) ಆರ್ಮ್ಸ್ ಆಕ್ಟ್ 1959 ಗಳನ್ನು ಹಾಗೂ ದಿನಾಂಕ 12/08/2025 ಕರ್ನಾಟಕ ಸಂಘಟಿತ ಅಪರಾಧ ನಿಯಂತ್ರಣ ಕಾಯ್ದೆ-2000ರ ಅಳವಡಿಸಿಕೊಳ್ಳಲಾಗಿದೆ ಎಂದು ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಲಾಗಿರುತ್ತದೆ.

13. ಆರೋಪಿ-4 ಅನಿಲ್ ಮತ್ತು ಆರೋಪಿ-5 ಭೈರತಿ ಬಸವರಾಜ್ ರವರ ಮನೆ/ಕಛೇರಿ ಬಿಟ್ಟು ಸಂಶಯಾಸ್ಪದ ವ್ಯಕ್ತಿ ಅಜಿತ್ ರವರ ಮನೆ ಮತ್ತು ಕಛೇರಿಗಳ ಹಾಗೂ ಎಲ್ಲಾ ಆರೋಪಿಗಳ ಮನೆಗಳನ್ನು ಶೋಧನೆಗೊಳಪಡಿಸಲಾಗಿರುತ್ತದೆ.

14. ದಿನಾಂಕ: 20/08/2025 ರಿಂದ ಶ್ರೀ ಡಿ.ಸಿ. ನಂದಕುಮಾರ್, ಪೊಲೀಸ್ ಉಪಾಧೀಕ್ಷಕರು, ಹೆಚ್&ಬಿ ವಿಭಾಗ ರವರು ಪ್ರಕರಣದ ತನಿಖಾಧಿಕಾರಿಗಳಾಗಿ ನೇಮಕಗೊಂಡು, ದಿನಾಂಕ: 24/25.08.2025 ರಂದು ಆರೋಪಿ-1 ಜಗದೀಶ್ @ ಜಗ್ಗ ಈತನನ್ನು ಇಂದಿರಾಗಾಂಧಿ ಅಂತರರಾಷ್ಟ್ರೀಯ ವಿಮಾನ ನಿಲ್ದಾಣ ಇಮ್ಮಿಗ್ರೇಷನ್ ಅಧಿಕಾರಿಗಳು ತಮ್ಮ ವಶಕ್ಕೆ ಪಡೆದಿದ್ದು, ದಿನಾಂಕ:26/08/2025 ರಂದು ದಸ್ತಗಿರಿ ಮಾಡಲಾಗಿರುತ್ತದೆ.

15. ಆರೋಪಿ ಜಗದೀಶ್ ಈತನ ವಶದಿಂದ ಆತನ ವಶದಲ್ಲಿದ್ದ ವಿದೇಶಿ ಕರೆಸ್ಸಿಗಳನ್ನು ಮತ್ತು ಆರೋಪಿ ಜಗದೀಶ್ ಈತನ Passport NO.9555432 ಇವುಗಳನ್ನು ಹಾಗೂ ಆರೋಪಿ ಈತನು ತಲೆಮರೆಸಿಕೊಳ್ಳಲು ಉಪಯೋಗಿದ್ದ ಆಡಿ ಕಾರ್ ನಂಬರ್ KA 01 MQ 0272 ಜಪ್ತು ಪಡಿಸಲಾಗಿರುತ್ತದೆ.

16. ಆರೋಪಿ-1 ಜಗದೀಶ್ @ ಜಗ್ಗ ಈತನು ತಲೆಮರೆಸಿಕೊಂಡು ಚೆನ್ನೈನಲ್ಲಿ ತಂಗಿದ್ದ ಚೆನ್ನೈನ ಅಡಿಯಾರ್ ಬೇಸಿನ್ ಸ್ಥಳದ ಪಂಚನಾಮೆಯನ್ನು ಕೈಗೊಂಡು ಪ್ರತ್ಯಕ್ಷ ಸಾಕ್ಷಿದಾರರಾದ ಫಿರ್ಯಾದಿ ಶ್ರೀಮತಿ ವಿಜಯಲಕ್ಷ್ಮಿ ಕೋಂ ಲೇಟ್ ಗಜೇಂದ್ರನ್, 67 ವರ್ಷ, ಮತ್ತು ಮೃತನ ಪತ್ನಿ ಶ್ರೀಮತಿ ರಾಜೇಶ್ವರಿ ಕೋಂ ಲೇಟ್ ಶಿವಪ್ರಕಾಶ್ 40 ವರ್ಷ, ಇವರುಗಳ ಹೇಳಿಕೆಗಳನ್ನು ಕಲಂ:183 ಬಿ.ಎನ್.ಎಸ್.ಎಸ್. ಅಡಿಯಲ್ಲಿ ಘನ 4ನೇ ಎ.ಸಿ.ಜಿ.ಎಂ. ನ್ಯಾಯಾಲಯ, ಬೆಂಗಳೂರು ನಗರರವರು ದಾಖಲಿಸಿರುತ್ತಾರೆ.

17. ಪೊಲೀಸ್ ಅಭಿರಕ್ಷೆಗೆ ಪಡೆದುಕೊಂಡ ಆರೋಪಿಗಳಾದ 1) ಆರೋಪಿ- 2 ಕಿರಣ್ 2) ಆರೋಪಿ-3 ವಿಮಲ್‌ರಾಜ್ 3) ಆರೋಪಿ-8 ಸ್ವಾಮಯ್ಯಲ್ 4) ಆರೋಪಿ-11 ಶಿವ 5) ಆರೋಪಿ-9 ಅರುಣ್‌ಕುಮಾರ್ @ ಟಿಮೋ, 6) ಆರೋಪಿ-12 ಮನೋಜ್ ಕೆ @ ಮನು, 7) ಆರೋಪಿ-13 ಎ. ಪ್ರಸಾದ್, 8) ಆರೋಪಿ-14 ನರಸಿಂಹಮೂರ್ತಿ @ ಸಿಂಹ ಮತ್ತು 9) ಆರೋಪಿ-19 ಕಿರಣ @ ಡೆಡ್ಲಿ ಕಿರಣ ಕೆ. ಇವರುಗಳ ಡಿಜಿಟಲ್ ಫೋಟೋಗಳನ್ನು ಪಡೆಯಲಾಗಿರುತ್ತದೆ.



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Accordingly, the requirement of progress of investigation being appraised is satisfied.

(b) The report of the Public Prosecutor also enumerates the details of the further investigation from point 1 to 30 under caption "ಪ್ರಕರಣದಲ್ಲಿ ಬಾಕಿ ಇರುವ ತನಿಖಾ ಅಂಶಗಳ ವಿವರ." The content of the report is self-explanatory and is extracted as below:

"ಪ್ರಕರಣದಲ್ಲಿ ಬಾಕಿ ಇರುವ ತನಿಖಾ ಅಂಶಗಳ ವಿವರ"

1. ಈ ಪ್ರಕರಣದಲ್ಲಿ ಭಾಗಿಯಾಗಿ ಹಾಲಿ ನ್ಯಾಯಾಂಗ ಬಂಧನದಲ್ಲಿರುವ 16 ಜನ ಆರೋಪಿಗಳ ಧ್ವನಿ ಮಾದರಿಯನ್ನು ಮಾನ್ಯ ನ್ಯಾಯಾಲಯದ ಆದೇಶದ ಮೇರೆಗೆ ಎಫ್.ಎಸ್.ಎಲ್ ತಜ್ಞರ ಹಾಗೂ ಪಂಚರ ಸಮಕ್ಷಮ ಪಡೆಯಬೇಕಾಗಿರುತ್ತದೆ. ಈ ಪ್ರಕ್ರಿಯೆ ಕೈಗೊಳ್ಳಲು ಘನ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಮನವಿ ಸಲ್ಲಿಸಿದ್ದು, ಆದೇಶ ಬಾಕಿಯಿರುತ್ತದೆ.
2. ಆರೋಪಿಗಳ ಧ್ವನಿ ಮಾದರಿಯನ್ನು ಕೃತ್ಯದಲ್ಲಿ ಬಳಕೆಯಾಗಿರುವ ಪದಗಳೊಂದಿಗೆ ಹೋಲಿಕೆ ಮಾಡಿ ಎಫ್.ಎಸ್.ಎಲ್ ತಜ್ಞರ ವರದಿಯನ್ನು ಸಂಗ್ರಹಿಸಬೇಕಾಗಿರುತ್ತದೆ.
3. ಶಿವಪ್ರಕಾಶ್ @ ಬಿಕ್ಲಶಿವ ಈತನ ಕೊಲೆ ಘಟನೆಯನ್ನು ಪ್ರತ್ಯಕ್ಷ ಸಾಕ್ಷಿದಾರರು ನೋಡಿದ್ದು, ಸದರಿವರುಗಳಿಂದ ಆರೋಪಿಗಳ ಗುರುತು ಪತ್ತೆ ಹಚ್ಚುವ ಕವಾಯತು ಮಾಡಿಸುವುದು ಬಾಕಿ ಇರುತ್ತದೆ. ಈ ಪ್ರಕ್ರಿಯೆ ಕೈಗೊಳ್ಳಲು ಘನ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಮನವಿ ಸಲ್ಲಿಸಿದ್ದು, ನ್ಯಾಯಾಲಯದ ಆದೇಶ ಬಾಕಿಯಿರುತ್ತದೆ.
4. ಪ್ರಕರಣದ ಪ್ರಮುಖ ಸಾಕ್ಷಿದಾರರನ್ನು ಗುರುತಿಸಿ ಅವರುಗಳ ಹೇಳಿಕೆಯನ್ನು ದಾಖಲಿಸುವುದು ಬಾಕಿ ಇರುತ್ತದೆ.
5. ಈಗಾಗಲೇ ದಾಖಲಿಸಿಕೊಂಡಿರುವ ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳನ್ನು ಕಲಂ:183 ಬಿ.ಎನ್.ಎಸ್.ಎಸ್.ಅಡಿಯಲ್ಲಿ ಸಕ್ಷಮ ನ್ಯಾಯಾಲಯದ ಘನ 4ನೇ ಎ.ಸಿ.ಜೆ.



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ನ್ಯಾಯಾಲಯ ಬೆಂಗಳೂರು ರವರಲ್ಲಿ ದಾಖಲಿಸಲು ಮನವಿ ನೀಡಿದ್ದು, ನ್ಯಾಯಾಲಯವು ಹೇಳಿಕೆಯನ್ನು ದಾಖಲಿಸುವುದು ಬಾಕಿ ಇರುತ್ತದೆ.

6. ನ್ಯಾಯಾಂಗ ಬಂಧನದಲ್ಲಿರುವ ಮೂರು ಆರೋಪಿಗಳನ್ನು ಪಂಚರ ಸಮಕ್ಷಮ ಡಿಜಿಟಲ್ ಫೋಟೋಗಳನ್ನು ಪಡೆಯಬೇಕಾಗಿರುತ್ತದೆ. ಈ ಪ್ರಕ್ರಿಯೆಯನ್ನು ಮಾನ್ಯ ನ್ಯಾಯಾಲಯದ ಅನುಮತಿ ಮೇರೆಗೆ ಕೇಂದ್ರ ಕಾರಾಗೃಹ ಪರಪ್ಪನ ಅಗ್ರಹಾರಕ್ಕೆ ಭೇಟಿ ನೀಡಿ ಕೈಗೊಳ್ಳಲು ಮಾನ್ಯ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು, ನ್ಯಾಯಾಲಯವು ಅನುಮತಿಸಿದ ನಂತರ ಕೈಗೊಳ್ಳಬೇಕಾಗಿರುತ್ತದೆ.

7. ಆರೋಪಿಗಳ ಡಿಜಿಟಲ್ ಫೋಟೋಗಳನ್ನು ಮತ್ತು ಸಿ.ಸಿ.ಟಿ.ವಿಯಲ್ಲಿ ಹಾಗೂ ಮೊಬೈಲ್‌ನಲ್ಲಿ ದಾಖಲಾಗಿರುವ ದೃಶ್ಯಾವಳಿಗಳನ್ನು ಹೋಲಿಕೆ ಮಾಡಿ ಎಫ್.ಎಸ್.ಎಲ್. ತಜ್ಞರ ವರದಿಯನ್ನು ಪಡೆದುಕೊಳ್ಳಲು ತಜ್ಞರ ಪರೀಕ್ಷೆಗೆ ಕಳುಹಿಸಿ ತಜ್ಞರ ವರದಿಯನ್ನು ಸಂಗ್ರಹಿಸಬೇಕಾಗಿರುತ್ತದೆ.

8. ಪ್ರಕರಣದ ತನಿಖಾ ಕಾಲದಲ್ಲಿ ಅಮಾನತ್ತುಪಡಿಸಿರುವ ಸಿ.ಸಿ.ಟಿ.ವಿ ದೃಶ್ಯಾವಳಿಗಳನ್ನು, ಮೊಬೈಲ್ ಹಾಗೂ ಇತರೆ ಸ್ವತ್ತುಗಳನ್ನು ನೈಜತೆ ಕುರಿತು ಎಫ್.ಎಸ್.ಎಲ್. ತಜ್ಞರ ಪರೀಕ್ಷೆಗೆ ಕಳುಹಿಸಿ ವರದಿ ಸಂಗ್ರಹಿಸಬೇಕಾಗಿರುತ್ತದೆ.

9. ಕೃತ್ಯಕ್ಕೆ ಉಪಯೋಗಿಸಿರುವ ವಾಹನಗಳನ್ನು ವಿಧಿ ವಿಜ್ಞಾನ ತಜ್ಞರಿಂದ ಪರಿಶೀಲನೆ ಮಾಡಿಸಿದ್ದು, ಅವುಗಳಿಂದ ಸಂಗ್ರಹಿಸಿರುವ ರಕ್ತದ ಮಾದರಿಗಳನ್ನು ಡಿ.ಎನ್.ಎ ಅನಾಲಿಸಿಸ್‌ಗೆ ಎಫ್.ಎಸ್.ಎಲ್ ತಜ್ಞರ ಪರೀಕ್ಷೆಗೆ ಕಳುಹಿಸುವುದು ಬಾಕಿಯಿರುತ್ತದೆ.

10. ಪ್ರಕರಣದ ಆರೋಪಿ-2 ಕಿರಣ ಮತ್ತು ಮೃತ ಶಿವಪ್ರಕಾಶ ಇವರುಗಳ ನಡುವೆ ಜಮೀನು ವಿಚಾರದಲ್ಲಿ ನಡೆದಿರುವ ಗಲಾಟೆಯ ವಿಡಿಯೋ ದೃಶ್ಯಾವಳಿಗಳು ಸಾಮಾಜಿಕ ಜಾಲತಾಣದಲ್ಲಿ ವೈರಲ್ ಆಗಿದ್ದು, ಸದರಿ ವಿಡಿಯೋಗಳನ್ನು ಅಮಾನತ್ತುಪಡಿಸಿಕೊಂಡಿದ್ದು, ಎಫ್.ಎಸ್.ಎಲ್. ತಜ್ಞರ ಪರೀಕ್ಷೆಗೆ ಕಳುಹಿಸಿ ವರದಿ ಪಡೆದುಕೊಳ್ಳಬೇಕಾಗಿರುತ್ತದೆ.

11. ಆರೋಪಿಗಳ ಮತ್ತು ಮೃತ ವ್ಯಕ್ತಿಯ ಮೊಬೈಲ್ ಕರೆಗಳ ವಿವರಗಳನ್ನು ವಿಶ್ಲೇಷಣೆಗೆ ಒಳಪಡಿಸಿ ತನಿಖೆ ಕೈಗೊಳ್ಳಬೇಕಾಗಿರುತ್ತದೆ.

12. ಈ ಕೃತ್ಯದಲ್ಲಿ ಭಾಗಿಯಾಗಿರುವ ಆರೋಪಿಗಳು ಬೇರೆ ಬೇರೆ ವ್ಯಕ್ತಿಗಳ ಹೆಸರಿನಲ್ಲಿ ಸಿಮ್‌ಗಳನ್ನು ಖರೀದಿಸಿ, ಆ ಸಿಮ್ ಗಳ ಮುಖಾಂತರ ಸಂಭಾಷಣೆ ನಡೆಸಿ ಕೃತ್ಯವನ್ನು ಎಸಗಿದ್ದು, ಸಿಮ್‌ಗಳನ್ನು ಮಾರಾಟ ಮಾಡಿದ ಸಂಸ್ಥೆಗಳು, ಸಿಮ್ ಖರೀದಿಸಿರುವ ಗ್ರಾಹಕರನ್ನು ಪತ್ತೆ ಮಾಡಿ ಹೇಳಿಕೆ ದಾಖಲಿಸಬೇಕಾಗಿರುತ್ತದೆ.



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13. ತನಿಖೆಯಲ್ಲಿ ದೊರೆಯುವ ಸಾಕ್ಷ್ಯದಾರಗಳ ಮೇರೆಗೆ ಈ ಕೃತ್ಯದಲ್ಲಿ ಭಾಗಿಯಾದ ಮತ್ತು ಕೃತ್ಯಕ್ಕೆ ಸಹಕರಿಸಿರುವ ಹಾಗೂ ಸಂಘಟಿತ ಆರೋಪಿಗಳನ್ನು ಪತ್ತೆ ಮಾಡಿ ತನಿಖೆಗೆ ಒಳಪಡಿಸುವುದು ಬಾಕಿ ಇರುತ್ತದೆ.

14. ಮೃತನು ಉಪಯೋಗಿಸುತ್ತಿದ್ದ ಸ್ಯಾಮಸಂಗ್ ಕಂಪನಿಯ ಮೊಬೈಲ್ ಫೋನ್ ಅನ್ನು ಜಪ್ತುಪಡಿಸಿದ್ದು, ಸದರಿ ಫೋನ್‌ಅನ್ನು ಮಿರರ್ ಇಮೇಜ್‌ಗೆ ಒಳಪಡಿಸಲು ಅದು ರಿಪೇರಿ ಇದ್ದು, ಅದನ್ನು ಸರಿಪಡಿಸಿದ ನಂತರ ಎಫ್.ಎಸ್.ಎಲ್. ತಜ್ಞರ ಪರೀಕ್ಷೆಗೆ ಸಲ್ಲಿಸಿ ವರದಿ ಪಡೆಯಬೇಕಾಗಿರುತ್ತದೆ.

15. ಈ ಪ್ರಕರಣದ ಆರೋಪಿ ಅರುಣ್ ಕುಮಾರ್ ಈತನ ಮನೆಯ ಶೋಧನಾ ಕಾಲದಲ್ಲಿ ಕೃತ್ಯದ ಸಮಯದಲ್ಲಿ ಧರಿಸಿದ್ದ ಶೂಗಳನ್ನು ಒತ್ತುಪಡಿಸಿದ್ದು, ಸದರಿ ಶೂಗಳನ್ನು ಡಿ.ಎನ್.ಎ ಪರೀಕ್ಷೆಗೆ ಒಳಪಡಿಸಿ ತಜ್ಞರ ವರದಿ ಸಂಗ್ರಹಿಸಬೇಕಾಗಿರುತ್ತದೆ.

16. ಪ್ರಕರಣದ ಆರೋಪಿ ಆಟೋ ಶಿವ ಈತನು ಮೃತನ ಚಲನವಲನ ಗಮನಿಸಲು ಮತ್ತು ಕೊಲೆ ಎಸಗಲು ಆಟೋವನ್ನು ಉಪಯೋಗಿಸಿದ್ದು, ಸದರಿ ಆಟೋವನ್ನು ಗುರುತಿಸಿ, ಜಪ್ತುಪಡಿಸ ಬೇಕಾಗಿರುತ್ತದೆ.

17. ಆಟೋವನ್ನು ಜಪ್ತುಪಡಿಸಿದ ನಂತರ ಅದನ್ನು ಎಫ್.ಎಸ್.ಎಲ್ ತಜ್ಞರ ಸಮಕ್ಷಮ ಲೂಮಿನಾಲ್ ಟೆಸ್ಟ್‌ಗೆ ಒಳಪಡಿಸಿ ತಜ್ಞರ ವರದಿ ಸಂಗ್ರಹಿಸಬೇಕಾಗಿರುತ್ತದೆ.

18. ಈ ಘಟನೆಯು ಜಮೀನಿನ ವಿವಾದದ ಬಗ್ಗೆ ಸಂಭವಿಸಿದ್ದು, ಈ ಕುರಿತು ನಡೆದಿರುವ ಹಣಕಾಸಿನ ವ್ಯವಹಾರದ ಬಗ್ಗೆ ತನಿಖೆ ಕೈಗೊಳ್ಳಬೇಕಾಗಿರುತ್ತದೆ.

19. ಈ ಪ್ರಕರಣದ ಆರೋಪಿ-1 ಜಗದೀಶ್ @ ಜಗ್ಗ ಈತನು ಕೃತ್ಯ ನಡೆದ ನಂತರ ವಿದೇಶಕ್ಕೆ ಪ್ರಯಾಣಿಸಿ ತಲೆಮರೆಸಿಕೊಂಡಿದ್ದು, ಈತನ ಜೊತೆ ವಿದೇಶಕ್ಕೆ ಪ್ರಯಾಣಿಸಿ ಸಹಚರರನ್ನು ಗುರುತಿಸಿ ತನಿಖೆಗೆ ಒಳಪಡಿಸಬೇಕಾಗಿರುತ್ತದೆ.

20. ಆರೋಪಿ-1 ಜಗದೀಶ್ @ ಜಗ್ಗ ಈತನು ವಿದೇಶಕ್ಕೆ ಪ್ರಯಾಣಿಸಲು ಹಣಕಾಸಿನ ಸಹಾಯ ಮಾಡಿದ ವ್ಯಕ್ತಿಗಳನ್ನು ಗುರುತಿಸಿ ತನಿಖೆಗೆ ಒಳಪಡಿಸಬೇಕಾಗಿರುತ್ತದೆ.

21. ಆರೋಪಿಗಳು ಕೃತ್ಯಕ್ಕೆ ಉಪಯೋಗಿಸಿದ್ದ ಸ್ಕಾರ್ಪಿಯೋ ವಾಹನವನ್ನು ನೀಡಿದ ಮಧ್ಯವರ್ತಿಗಳನ್ನು ಗುರುತಿಸಿ ತನಿಖೆಗೆ ಒಳಪಡಿಸಬೇಕಾಗಿರುತ್ತದೆ.

22. ಈ ಪ್ರಕರಣದ ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿ ಆರೋಪಿ-4 ಅನಿಲ್ ಈತನನ್ನು ತನಿಖೆಗೆ ಒಳಪಡಿಸಬೇಕಾಗಿರುತ್ತದೆ.



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23. ಈ ಪ್ರಕರಣದ ತನಿಖೆಯಲ್ಲಿ ಕಲಂ 3(1)(i), 3(1)(ii) 3(2), 3(3), 3(4), 3(5) ಮತ್ತು ಕಲಂ 4 ಕರ್ನಾಟಕ ಸಂಘಟಿತ ಅಪರಾಧ ನಿಯಂತ್ರಣ ಕಾಯ್ದೆ 2000 ರನ್ನು ಅಳವಡಿಸಿಕೊಂಡು ತನಿಖೆ ಕೈಗೊಂಡಿದ್ದು, ಆರೋಪಿತರು ಸಂಘಟಿತರಾಗಿ ಈ ಘಟನೆಯಲ್ಲಿ ಭಾಗಿಯಾಗಿರುವ ಕುರಿತು ಇನ್ನಿತರೆ ಆರೋಪಿತರುಗಳನ್ನು ಗುರುತಿಸಿ ಅವರನ್ನು ತನಿಖೆಗೆ ಒಳಪಡಿಸ ಬೇಕಾಗಿರುತ್ತದೆ.

24. ಕೊಲೆಗೀಡಾದ ಶಿವಪ್ರಕಾಶ್ @ ಬಿಕ್ಕ ಶಿವ ಈತನ ಚಲನವಲನ ಗುರುತಿಸಲು ಮತ್ತು ಕೊಲೆ ಎಸಗಲು ಹಣ ನೀಡಿದ್ದು, ಈ ಸಂಬಂಧ ಹಣದ ಮೂಲ ಮತ್ತು ಬ್ಯಾಂಕ್ ದಾಖಲಾತಿಗಳನ್ನು ಹಾಗೂ ಯು.ಪಿ.ಐ ದಾಖಲಾತಿಗಳನ್ನು ಪಡೆದು ಸಾಕ್ಷ್ಯಾಧಾರಗಳನ್ನು ಸಂಗ್ರಹಿಸಬೇಕಾಗಿರುತ್ತದೆ.

25. ಕೊಲೆ ಎಸಗಲು ಉಪಯೋಗಿಸಿದ್ದ ಮಚ್ಚಿನಿಂದ ಕೃತ್ಯದಲ್ಲಿ ಭಾಗಿಯಾದ ಆರೋಪಿ-3 ವಿಮಲ್‌ರಾಜ್ ಈತನಿಗೂ ಸಹ ಗಾಯವಾಗಿದ್ದು, ಸದರಿ ಮಚ್ಚಿನಿಂದ ಆರೋಪಿತನಿಗೆ ಗಾಯ ಆಗಿರುತ್ತದೆಯೇ ಎಂಬ ಬಗ್ಗೆ ವೈದ್ಯಾಧಿಕಾರಿಗಳಿಂದ ವರದಿ ಪಡೆಯಬೇಕಾಗಿರುತ್ತದೆ.

26. ಈ ಪ್ರಕರಣದ ಎಫ್.ಐ.ಆರ್ ಆರೋಪಿ-5 ಭೈರತಿ ಬಸವರಾಜು ರವರು ತನ್ನ ವಿರುದ್ಧ ದಾಖಲಿಸಿರುವ ದೂರನ್ನು ರದ್ದುಪಡಿಸಲು ಗೌರವಾನ್ವಿತ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಕ್ರಿಮಿನಲ್ ಪಿಟಿಷನ್ ನಂ:10290/2025 ರೀತ್ಯಾ ಪಿಟಿಷನ್ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಅಲ್ಲದೆ ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಆರೋಪಿತನ ವಿರುದ್ಧ ಯಾವುದೇ ಬಲವಂತದ ಕ್ರಮ ಕೈಗೊಳ್ಳದಂತೆ ಆದೇಶ ನೀಡಿರುತ್ತದೆ. ಈ ಕಾರಣಕ್ಕಾಗಿ ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿಯಲ್ಲಿನ ಆರೋಪಿ-5 ಭೈರತಿ ಬಸವರಾಜು ಹಾಲಿ ಶಾಸಕನಾಗಿರುವುದರಿಂದ ಮಾನ್ಯ ಉಚ್ಚನ್ಯಾಯಾಲಯದ ಮಧ್ಯಂತರ ಆದೇಶದ ತೆರವಿಗಾಗಿ ಕ್ರಮಕೈಗೊಂಡಿದ್ದು, ಈ ಪ್ರಕ್ರಿಯೆಯನ್ನು ಒಳಗೊಂಡಂತೆ ಮುಂದೆ ಕೂಲಂಕುಷ ತನಿಖೆಯ ಅಗತ್ಯ ಇರುತ್ತದೆ.

27. ಈ ಪ್ರಕರಣದಲ್ಲಿ ಮೃತ ವ್ಯಕ್ತಿ ಆರೋಪಿತರ ವಿರುದ್ಧ 2 ಬಾರಿ ಜೀವಭಯದಿಂದ ಮತ್ತು ರಕ್ಷಣೆ ಕೋರಿ ಪೊಲೀಸರಲ್ಲಿ ಮನವಿ ಸಲ್ಲಿಸಿದ್ದು, ಈ ಕುರಿತು ಕೂಲಂಕುಷ ತನಿಖೆಯ ಅಗತ್ಯ ಇರುತ್ತದೆ.

28. ಮೃತ ವ್ಯಕ್ತಿ ಫೆಬ್ರವರಿ 2025 ರಲ್ಲಿ ಪೊಲೀಸರಿಗೆ ಸಲ್ಲಿಸಿದ ದೂರಿನಲ್ಲಿ ಇವರ ಮತ್ತು ಆರೋಪಿತರ ನಡುವಿನ ರಿಯಲ್‌ಎಸ್ಟೇಟ್ ವ್ಯವಹಾರದ ಕುರಿತು ಉಲ್ಲೇಖಿಸಲಾಗಿದ್ದು, ಆ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಮೃತನ ಜೀವಕ್ಕೆ ಅಪಾಯವಿರುವುದಾಗಿ ಹೇಳಿಕೊಂಡಿರುತ್ತಾರೆ. ಇದಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಸ್ಪಷ್ಟ ಸಾಕ್ಷ್ಯಾಧಾರಗಳನ್ನು ದಾಖಲೆ ರೂಪದಲ್ಲಿ ಸಂಗ್ರಹಿಸುವ ಅಗತ್ಯ ಇರುತ್ತದೆ.



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29. ಈ ಹಿಂದೆ ಮೃತ ವ್ಯಕ್ತಿ ಪೊಲೀಸರಲ್ಲಿ ಸಲ್ಲಿಸಿದ ದೂರುಗಳಲ್ಲಿ ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿಯ 5ನೇ ಆರೋಪಿಯ ಕುರಿತು ಉಲ್ಲೇಖಿಸಲಾಗಿದ್ದು, 5ನೇ ಆರೋಪಿತರು ಶಾಸಕರಾಗಿ ಅಧಿಕಾರ ಬಲದಿಂದ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ಅವ್ಯವಹಾರ ಮತ್ತು ರಿಯಲ್ ಎಸ್ಟೇಟ್ ವ್ಯವಹಾರ ಮಾಡುತ್ತಿದ್ದ ಮೃತ ಮತ್ತು ಆತನ ಕಡೆಯವರನ್ನು ಕುಗ್ಗಿಸಲು ಪ್ರಯತ್ನಿಸಿದ ಬಗ್ಗೆ ಕಂಡುಬರುತ್ತದೆ, ಇದರ ಕುರಿತು ಸಹ ಕೂಲಂಕುಷ ತನಿಖೆಯ ಅಗತ್ಯವಿರುತ್ತದೆ.

30. ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿಯಲ್ಲಿಯೂ 5ನೇ ಆರೋಪಿ ಶಾಸಕರು ಮೃತನ ಕೊಲೆಯ ಪಿತೂರಿಯಲ್ಲಿ ಭಾಗಿಯಾದ ಬಗ್ಗೆ ಸಾಕ್ಷಾಧಾರ ಸಂಗ್ರಹಿಸಬೇಕಾಗಿರುತ್ತದೆ. ಈ ಕುರಿತು 5ನೇ ಆರೋಪಿತರ ಅಭಿರಕ್ಷೆ ವಿಚಾರಣೆಯ ಅಗತ್ಯ ಇರುತ್ತದೆ.

31. ಈ ಪ್ರಕರಣದ "ಸಂಘಟಿತ ಅಪರಾಧ" ಆಗಿರುವುದರಿಂದ ಮತ್ತು ಈಗಾಗಲೇ ಕೋಕಾ ಕಾನೂನು ಅನ್ವಯಿಸಿರುವುದರಿಂದ ಕೂಲಂಕುಷ ತನಿಖೆ ಅಗತ್ಯ ಇರುತ್ತದೆ.

This enumeration in the report would indicate the remaining investigation.

(c) The report also contains the reasons for continuing the detention of accused in judicial custody beyond 90 days. This would relate to the requirement of assigning "the specific reasons for the detention of the accused beyond the said period of 90 days."

The relevant extracts of the report at point 1 to 7 under the caption "ನ್ಯಾಯಾಂಗ ಬಂಧನದಲ್ಲಿರುವ ಆರೋಪಿತರನ್ನು ನ್ಯಾಯಾಂಗ ಬಂಧನದಲ್ಲಿಯೇ ಮುಂದುವರಿಸುವ ಕುರಿತು"



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1. ಈ ಪ್ರಕರಣದಲ್ಲಿನ ಈವರೆಗಿನ ತನಿಖೆಯಂತೆ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ವ್ಯವಹಾರಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಹಣಕಾಸಿನ ಹೆಚ್ಚಿನ/ಅಕ್ರಮ ಲಾಭಕ್ಕಾಗಿ ಕ್ರಿಮಿನಲ್ ಹಿನ್ನೆಲೆಯುಳ್ಳವರು ರಿಯಲ್ ಎಸ್ಟೇಟ್ ವ್ಯವಹಾರದಲ್ಲಿ ತೊಡಗಿಸಿಕೊಂಡು ರಾಜಕೀಯ ಪ್ರಭಾವಿಗಳ ಬೆಂಬಲದಿಂದ ವ್ಯವಹಾರ ನಿರ್ವಹಿಸುತ್ತಿರುವುದು ಕಂಡುಬರುತ್ತದೆ. ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಆರೋಪಿತರುಗಳ ನ್ಯಾಯಾಂಗ ಬಂಧನವನ್ನು ಮುಂದುವರೆಸದೆ ಇದ್ದಲ್ಲಿ ಮುಂದಿನ ತನಿಖೆಗೆ ಅಡ್ಡಿ ಆತಂಕ ಉಂಟು ಮಾಡುವ ಸಾಧ್ಯತೆಗಳಿರುತ್ತವೆ.

2. ಈ ಪ್ರಕರಣದಲ್ಲಿ ವಿಶೇಷ ಕಾನೂನು ಕೋಶಾ ಅನ್ವಯಿಸಿರುವುದರಿಂದ ಪ್ರಕರಣಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಸಾಕ್ಷಿದಾರರುಗಳು ತನಿಖೆಯಲ್ಲಿ ಸಹಕರಿಸಿದವರು ಮುಂದೆ ಆರೋಪಿತರ ಒತ್ತಡಕ್ಕೆ ಮಣಿದು ಪ್ರತಿಕೂಲ ಪರಿಣಾಮಿಸುವ ಸಾಧ್ಯತೆ ಇರುವುದರಿಂದ ಆರೋಪಿತರ ನ್ಯಾಯಾಂಗ ಬಂಧನ ಮುಂದುವರಿಸುವ ಅಗತ್ಯವಿರುತ್ತದೆ.

3. ಪ್ರಕರಣದಲ್ಲಿ 5ನೇ ಆರೋಪಿ ಶಾಸಕರು ಭಾಗಿಯಾದ ಬಗ್ಗೆ ತನಿಖೆ ನಡೆಯುತ್ತಿದ್ದು, ಅವರ ಪ್ರಭಾವದಿಂದಾಗಿ ತನಿಖೆಗೆ ಅಡಚಣೆ ಉಂಟಾಗುವ ಸಾಧ್ಯತೆ ಇರುತ್ತದೆ.

4. ಈ ಪ್ರಕರಣದಲ್ಲಿ ಕೊಲೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮೃತನ ತಾಯಿ ಮತ್ತು ಮೃತನ ಆಪ್ತರು ಪ್ರಮುಖ ಸಾಕ್ಷಿದಾರರಾಗಿದ್ದು, ಅವರುಗಳ ಜೀವಕ್ಕೆ ಅಪಾಯವುಂಟಾಗುವ ಸಾಧ್ಯತೆ ಇರುವುದರಿಂದ ಆರೋಪಿತರ ಬಂಧನವನ್ನು ಮುಂದುವರಿಸುವುದರ ಅಗತ್ಯವಿರುತ್ತದೆ.

5. ಹೆಚ್ಚಿನ ಆರೋಪಿತರುಗಳು ಕ್ರಿಮಿನಲ್ ಹಿನ್ನೆಲೆಯುಳ್ಳವರಾಗಿದ್ದು, ಪ್ರಕರಣದ ಭವಿಷ್ಯದ ದೃಷ್ಟಿಯಿಂದ ಆರೋಪಿತರ ಬಂಧನವನ್ನು ಮುಂದುವರಿಸುವ ಅಗತ್ಯವಿರುತ್ತದೆ.

6. ಕೃತ್ಯದ ನಡೆದ ನಂತರ ಪ್ರಕರಣದ ಪ್ರಮುಖ ಆರೋಪಿ-1 ಜಗದೀಶ @ ಜಗ್ಗ ಇವರು ವಿದೇಶಕ್ಕೆ ಹೋಗಿ ತಲೆಮರೆಸಿಕೊಂಡು ನಂತರದಲ್ಲಿ ಬ್ಲೂ ಕಾರ್ನರ್ ನೋಟಿಸ್ ಮೇರೆಗೆ ಮರಳಿ ಭಾರತಕ್ಕೆ ಬಂದಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ ಇವರಿಗೆ ಜಾಮೀನು ಮಂಜೂರು ಮಾಡಿದ್ದಲ್ಲಿ ಇವರು ಪುನಃ ತಲೆಮರೆಸಿಕೊಳ್ಳುವ ಸಾಧ್ಯತೆ ಬಹಳ ಇರುತ್ತದೆ.

7. ಈ ಘಟನೆಯಲ್ಲಿ ಭಾಗಿಯಾಗಿರುವ ಆರೋಪಿಗಳು ರೂಢಿಗತ ಅಪರಾಧಿಗಳಾಗಿದ್ದು, ಜಾಮೀನಿನ ಮೇಲೆ ಬಿಟ್ಟಲ್ಲಿ ಪುನಃ ಇವರು ಇದೇ ನಮೂನೆಯ ಕೃತ್ಯದಲ್ಲಿ ಭಾಗಿಯಾಗಿ ಸಮಾಜದಲ್ಲಿ ಶಾಂತಿಯನ್ನು ನಾಶಪಡಿಸುವ ಸಾಧ್ಯತೆ ಇರುತ್ತದೆ

28. Accordingly, it can be stated that the report does satisfy the requirement of the proviso insofar as (i)



the progress of investigation is detailed; (ii) the specific reasons for detention of the accused beyond 90 days is also enumerated.

C. APPLICATION OF MIND OF THE PUBLIC PROSECUTOR

29. What needs to be seen as regards the report of the Public Prosecutor is that there has to be application of mind when the prosecutor is forwarding his report to the court. The report even if it were to endorse in entirety the report of the Investigating Officer by a separate report of the Public Prosecutor and the entirety of the report of the Investigating Officer is adopted, it could stand legal scrutiny if the reliance is on the reacquisition by the Investigating Officer which itself is detailed. However, while adopting the report of the public prosecutor in its entirety the report should also expressly contain the independent application of mind of the Public Prosecutor. It would be appropriate to extract the concluding Para of the report of the Public Prosecutor which reads as follows:



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"ಈ ಪ್ರಕರಣದಲ್ಲಿ ತನಿಖಾ ವೇಳೆ ಈವರೆಗೆ 40ಕ್ಕೂ ಮಿಕ್ಕಿ ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳನ್ನು ಪಡೆಯಲಾಗಿದ್ದು, ಅವರ ಸುರಕ್ಷತೆಯ ದೃಷ್ಟಿಯಿಂದ ಈ ಮನವಿಯಲ್ಲಿ ಅವರ ಹೆಸರುಗಳನ್ನು ಬಹಿರಂಗಪಡಿಸಿರುವುದಿಲ್ಲ ಈ ಪ್ರಕರಣದಲ್ಲಿ ಈವರೆಗೆ ಸಂಗ್ರಹಿಸಲಾದ ಸಾಕ್ಷಾಧಾರಗಳ ಪರಿಶೀಲನೆಯಿಂದ ಮೇಲಿನ ಅಂಶಗಳು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬಂದಿದ್ದು, ತನಿಖಾ ಸಮಯ ವಿಸ್ತರಿಸುವುದರ ಅಗತ್ಯವಿರುವುದಾಗಿ ಅಭಿಪ್ರಾಯಪಟ್ಟಿರುತ್ತೇನೆ. ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಈ ಪ್ರಕರಣದಲ್ಲಿ ತನಿಖಾ ಪ್ರಕ್ರಿಯೆಗಳನ್ನು ಪೂರ್ಣಗೊಳಿಸಿ ಘನ ನ್ಯಾಯಾಲಯಕ್ಕೆ ನಿಗದಿತ 90 ದಿನಗಳಲ್ಲಿ (ದಿನಾಂಕ:14/09/2025 ಕ್ಕೆ ಅನ್ವಯವಾಗುವಂತೆ) ಆರೋಪಿಗಳ ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ ಸಲ್ಲಿಸಲು ಸಾಧ್ಯವಾಗುತ್ತಿಲ್ಲವಾದುದರಿಂದ ಹಾಗೂ ಈ ಮೇಲೆ ವಿವರಿಸಿದ ಕಾರಣಗಳಿಗಾಗಿ ತನಿಖೆ ಪೂರೈಸಲು ಕರ್ನಾಟಕ ಸಂಘಟಿತ ಅಪರಾಧಗಳ ನಿಯಂತ್ರಣ ಕಾಯ್ದೆ 2000 ರ ಕಲ: 22(2)(b) ಅನ್ವಯ ಹೆಚ್ಚುವರಿ 90 ದಿನಗಳ ಕಾಲಾವಧಿಯ ವಿಸ್ತರಣೆ ಅಗತ್ಯವಿರುವುದರಿಂದ 180 ದಿನಗಳವರೆಗೆ ತನಿಖಾ ಅವಧಿ ವಿಸ್ತರಿಸುವಂತೆ ಕೋರಿ ಮತ್ತು ಹಾಲಿ ನ್ಯಾಯಾಂಗ ಬಂಧನದಲ್ಲಿರುವ ಆರೋಪಿಗಳನ್ನು ನ್ಯಾಯಾಂಗ ಬಂಧನದಲ್ಲಿಯೇ ಮುಂದುವರೆಸುವಂತೆ ಘನ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಪ್ರಾರ್ಥಿಸಿಕೊಳ್ಳುತ್ತೇನೆ."

30. A reading of concluding paragraph clearly reflects the independent application of mind of public prosecutor which would be sufficient to stand legal scrutiny. While the entirety of the report of the Investigation officer forms a part of the report of the Public Prosecutor, and the Public Prosecutor proceeds to state that he has applied his mind and requests the Court for



extension of time to complete investigation. This would constitute sufficient application of mind.

31. Though the report of the Investigating Officer does not appear to have been produced before the designated Judge, the same has been produced in the present proceedings. The report of the Investigating Officer is detailed and, on its basis, report is made to the designated Court by the Public Prosecutor separately. That by itself in the present facts would be sufficient.

D. SATISFACTION OF THE DESIGNATED JUDGE.

32. In terms of proviso inserted by Section 22 of KCOCA, power is conferred on the Special Court to extend the period of custody beyond the maximum period of 90 days is on the designated Judge who needless to state is required to be satisfied about the report of the Public Prosecutor being in compliance with the requirements of indicating the progress of investigation and specifying reasons for detention of accused.



33. While the first safeguard is that of application of mind by the Public Prosecutor, the second tier of safeguard is the decision to extend time to complete investigation while accused continues to remain in custody. Such power being exercised by the designated Judge is decision which needless to state has to reflect application of mind.

34. As noticed supra, this decision of extension under proviso of Section 22 (2) (b) is intertwined with power to extend custody in terms of Section 167 (2) (a) of Cr.P.C. Every time extension of order of remand is passed under Section 167 (2) (a) of Cr.P.C., there is a requirement that the designated Judge "is satisfied that adequate grounds exist for doing so".

35. In the present case, the reflection of application of mind of the designated Judge can be found on a reading of the order, the relevant extracts reproduced below:



"20. The main aspect which is submitted by the prosecution indicates that genesis for commission of the above case is the real estate dispute which was prevailing between the parties. The learned SPP has submitted that certain documents are required to be confronted to the accused persons which can only be done only on the receipt of the FSL and further the accused No.5 has obtained necessary interim protection by the kind orders of the Hon'ble High court. It is submitted that he was the main person at whose instance the incident had taken place and hence his interrogation was very much essential. That apart, I have also bestowed my anxious reading to the reasons assigned by the learned SPP and on considering the same, it seems to be justifiable one. Further it is relevant to note that the application was filed on 09.10.2025 which was much prior to the completion of the stipulated period for completion of investigation and also it is noticed that at the time of and were filing the application the accused persons secured/present before the court proper opportunity was granted to them to file their statement of objections. Though in strict parlance, they may not have any say on the manner of investigation being conducted, but considering the fact that allowing of application may in a way interfere with the indefeasible right which may occur in favour of the accused if the final report is not filed within the stipulated period, the court had permitted the accused to filed necessary objections. The accused had filed the objection and they were also permitted to make submission in this regard. As such the mandate of the act which is more fully enshrined in the authority of the Hon'ble Apex court is complied with.

21. xxx



22. In the aforesaid authority it has been clearly held that the grant of extension of period of investigation cannot be made on mechanical grounds since it affects the liberty of the citizen on extraneous grounds. Further it is held that, for seeking extension of time, the public prosecutor after an independent application of his mind to the request of the investigating agency is required to make a report to the Court indicating therein the progress of the investigation and disclosing justification for keeping the accused in further custody to enable the investigating agency to complete the investigation. The public prosecutor may attach the request of the investigating officer along with his request or application and report, but his report, as envisaged under clause (bb), must disclose on the face of it that he has applied his mind and was satisfied with the progress of the investigation and considered grant of further time to complete the investigation necessary. In this regard the application filed by the learned SPP itself is self-explanatory, wherein he has dealt in detail.

23. Further the Hon'ble Apex Court has held that the extension could be granted only on the Report of the Public Prosecutor for completion of investigation and filing the challan thereafter and for no other purpose. Even in the aforesaid case, it is noticed from the records that extension of period of limitation is sought only for the purpose of continuing with the investigation and not for any administrative defects. The reason assigned by the SPP seems to be plausible ..."

36. Clearly the order reflects application of mind and such satisfaction of the designated Judge would satisfy the



statutory mandate under Section 167 (2) (a) while extending judicial remand as well as the order extending time for investigation in terms of the proviso under 22 (2) (b) of KCOCA.

37. So far as the challenge to order of the Court extending investigation by 45 days it would be sufficient to observe such extension is an exercise of judicial discretion by the Court and we find no reason to interfere with such exercise of judicial discretion.

38. Though, the counsel for the petitioner Venkatesh Dalawai has contended that Sessions Judge has failed to observe that the accused 6 and 8 have filed their statement of objections, that would not be of any legal significance as the said accused having filed statement of objections indicate them being aware of the prosecution's application for extension of time which would ipso facto fulfil the legal requirement of keeping the accused informed.



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E. PRODUCTION OF ACCUSED WHILST CONSIDERING APPLICATION FOR EXTENSION OF TIME FOR INVESTIGATION WHILE ACCUSED STILL REMAINS IN CUSTODY.

39. One of the other contentions raised is as regards accused not being produced during the relevant point of time when their application for default bail was considered.

40. The following table would indicate the relevant date on which application was filed and argued and the date of presence of the accused.

| SI No | Details of Accused | Date of Arrest | Date of Filing of Application | Date of Filing of Objections | Presence of Accused on the dates of Hearing |
|-------|-------------------------------|----------------|-------------------------------|------------------------------|---|
| 1 | K. KIRAN (Accused No.2) | 16.07.2025 | 09.10.2025 | 14.10.2025 | 10.10.2025 (through VC) |
| 2 | VIMALRAJ. B (Accused No.3) | 16.07.2025 | 09.10.2025 | 14.10.2025 | 10.10.2025 (through VC) |
| 3 | MADAN. R (Accused No.7) | 16.07.2025 | 09.10.2025 | 14.10.2025 | 10.10.2025 (through VC) |
| 4. | PRADEEP (Accused 6) | 16.07.2025 | 09.10.2025 | 15.10.2025 | 10.10.2025 (through VC) |
| 5. | V. SAMUAL (Accused 8) | 16.07.2025 | 09.10.2025 | 15.10.2025 | 10.10.2025 (through VC) |

41. Undisputedly the application was filed before the expiry of 90 days.



42. The petitioners have contended that there have been procedural violations insofar as the petitioners were not notified regarding the filing of application and were not produced on all dates when the application was being considered.

43. The Apex Court in the case of ***Sanjay Dutt v. State through CBI, Bombay (II)***³ speaking through a Constitution Bench after a detailed discussion as regards production of accused before the Court has concluded at Para 53 (2) (a) as follows:

"53 (2)(a) Section 20(4)(bb) of the TADA Act only requires production of the accused before the court in accordance with Section 167(1) of the Code of Criminal Procedure and this is how the requirement of notice to the accused before granting extension beyond the prescribed period of 180 days in accordance with the further proviso to clause (bb) of sub-section (4) of Section 20 of the TADA Act has to be understood in the judgment of the Division Bench of this Court in Hitendra Vishnu Thakur [(1994) 4 SCC 602 : 1994 SCC (Cri) 1087 : JT (1994) 4 SC 255]. The requirement of such notice to the accused before granting the extension for completing the investigation is not a written notice to the accused giving reasons therein. Production of the accused at that time in the court informing him that the question of extension of the period for

³ (1994) 5 SCC 410



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completing the investigation is being considered, is alone sufficient for the purpose."

44. Accordingly, it becomes clear that as regards notice to the accused before granting extension for completing the investigation, production of the accused at the relevant time in court informing him that extension of period of completing the investigation is being considered is sufficient. Such would be the legal position on a meaningful reading of para 53(2)(a) of *Sanjay Dutts* case(**supra**).

45. The matter was called out on 27.09.2025 and adjourned to 10.10.2025. The case however was advanced to 06.10.2025 and accused no.1 had filed application under Section 346 of BNSS requesting the court to direct the Central Prison Authorities to provide accused no.1 with home cooked food. The matter was then adjourned to 09.10.2025. On 09.10.2025, SPP had filed application under Section 22 (2) (b) of KCOCA seeking extension of time to complete investigation. The court had



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adjourned the matter to 10.10.2025 on which date the accused were produced from judicial custody through VC and judicial custody was extended for a period of 15 days in terms of the mandate under 167(2).

46. It is the submission of learned Additional SPP that on 10.10.2025, copy was served to the counsel. The matter was then adjourned to 14.10.2025. On such date, learned counsel for accused nos.2, 3 and 7 had filed objections to the application filed by the prosecution seeking for extension of time. Hence it is clear that the very filing of objections to the application filed by the prosecution would indicate that the accused were notified regarding application for extension of time to complete investigation.

47. The application for extension of time was filed on 09.10.2025 and came to be decided on 17.10.2025. During this period, the accused were produced on 10.10.2025. They have filed objections to the application.



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Their production on 10.10.2025 would be sufficient compliance in terms of the observation of the Apex Court in ***Sanjay Dutt (supra)***. If presence during the process of consideration of application is in order to notify the accused regarding such extension so that they could object, then it can be stated that the purpose is served. As in the present case, they were produced on 10.10.2025 after an application for extension was filed, and objections were filed to such applications was filed on 14.10.2025 and they have been heard.

48. Insofar as their contention that they were not produced on other dates, it must be noticed that in terms of Section 187 of BNSS (section of 167 CRPC), every time custody is extended for every period not exceeding 15 days, the accused is to be produced. This requirement has been complied for the period during which application was being considered i.e., between 09.10.2025 and 17.10.2025 when orders came to be passed. The accused were produced on 10.10.2025 and subsequently on



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24.10.2025. The requirement of production on dates of extension of remand has been complied with.

49. The contention that during the process of consideration of application seeking extension of time for investigation the petitioners were to be present on every date of hearing is rejected, as there is no such legal obligation.

II. CONCLUSION

50. This court considering a petition under Section 482 with its limited jurisdiction cannot sit in appeal over the conclusion of the designated Judge and accordingly, there are no grounds made out for interference with the exercise of such judicial discretion conferred under the statute.

51. Accordingly, in light of the discussion supra, the petitions are dismissed.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

NP