



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE M.NAGAPRASANNA

**CRIMINAL PETITION NO. 1639 OF 2025 (482(Cr.PC) /
528(BNSS))**

BETWEEN:

DR. SHIVAMURTHY MURUGHA SHARANARU
S/O. LATE GURUMURTHAIAH,
AGED ABOUT 64 YEARS.
PEETADHYAKSHARU,
SJM MUTT,
CHITRADURGA KARNATAKA -577502.

...PETITIONER

(BY SRI K. B. K. SWAMY, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY CHITRADURGA RURAL POLICE STATION,
CHITRADURGA -577502,
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.

2. CHANDRAKUMAR C.
S/O NOT KNOWN,
AGED ABOUT MAJOR,
LEGAL AND PROBATION OFFICER
DISTRICT CHILD PROTECTION UNIT
#CA-15-17, ANJANADRI MAIN ROAD,
4TH STAGE, 2ND BLOCK,
VIJAYANAGARA, MYSURU -560032.

...RESPONDENTS

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





THIS CRIMINAL PETITION IS FILED U/S. 482 OF THE CODE OF CRIMINAL PROCEDURE, 1973 IS PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO SET ASIDE THE ORDER DATED 29.01.2025 VIDE ANNEXURE-C PASSED BY THE HON'BLE SPECIAL II ADDL. DISTRICT AND SESSIONS JUDGE, AT CHITRADURGA IN SPL.C.(POCSO) NO.182/2022 (CRIME NO.387/2022) REGISTERED BY CHITRADURGA RURAL POLICE, CHITRADURGA AND CONSEQUENTLY ALLOW THE APPLICATION VIDE ANNEXURE-E FILED U/S.91 OF THE CODE OF CRIMINAL PROCEDURE, 1973, AND PASS SUCH OTHER ORDER WHICH DEEMS FIT IN THE ENDS OF JUSTICE.

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

ORAL ORDER

1. The petitioner is before this Court calling in question an order dated 29.01.2025, by which the concerned Court rejects the application filed by the petitioner under Section 91 of the Cr.P.C.

2. Heard the learned counsel Sri.K. B. K. Swamy appearing for the petitioner and the learned Addl.SPP Sri.Jagadeesha B. N. representing the respondent-State.

3. The petitioner files an application before the concerned Court invoking Section 91 of the Cr.P.C. seeking certain documents from the Cotton Pet police station. The documents sought are as follows:



“Wherefore, the Accused No:1/Applicant herein respectfully prays that this Hon'ble court may be pleased to summon the below mentioned documents to meet the ends of justice.

- i. Station House Dairy Commencing from 24-07-2022 to 28-07-2022 of Cotton pet Police station, Bengaluru City.*
- ii. Duty Roaster maintained at Cotton pet Police Station, Bengaluru for the month of July 2022.*
- iii. Note Book of Patrolling Police Constable Mr. Dhananjaya & Prakash ASI of Cotton Pet Police Station, Bengaluru City, for the period commencing from 24-07-2022 to 28-07-2022 of Cw-8 and 9 of additional charge sheet.*
- iv. Hoysala Patrolling Vehicle No: 86 & 81's Log Book & Digital entries in respect of its movement & information received from control room pertaining to 24-07-2022 & 25-07-2022*
- v. Statement of Account pertaining to the Phone pay number 9740409574 & 8971668163 & 6360294927.*
- vi. Email dated 26-08-2022, sent by Odanadi Mysuru to CWC, Mysuru”*

4. The application comes to be rejected, the rejection of which has given driven the petitioner to this Court in the subject petition.



5. The learned Addl. SPP submits that the objection of the prosecution was that he could have secured them by filing an application Under the Right to Information Act, 2005. The objection is taken note of by the concerned Court and the application comes to be rejected. The rejection of which is on the face of it illegal as that is not the purport of Section 91 of the Cr.P.C. that an accused should be driven for securing documents under the Right to Information Act when an application is filed under Section 91 of Cr.P.C.

6. In that light, the petition deserves to succeed with the prayer that is sought before the concerned Court to be granted.

7. For the aforesaid reasons, the following:

ORDER

- i. Petition is allowed.
- ii. The impugned order dated 29.01.2025 vide Annexure-C passed by the II Addl.District and Sessions Judge, Chitradurga stands quashed.



iii. The application filed by the petitioner under Section 91 of the Cr.P.C. is allowed.

iv. The prosecution shall place on record the documents that are sought by the petitioner at the appropriate stage in the trial.

Ordered accordingly.

Sd/-
(M.NAGAPRASANNA)
JUDGE

KGK/CT-GTB
List No.: 19 SI No.: 40