



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JUNE, 2024

BEFORE

THE HON'BLE MR JUSTICE N S SANJAY GOWDA

WRIT PETITION NO. 43385 OF 2018 (GM-RES)

BETWEEN:

1. RAMESH BABU V M
S/O. MUNIVENKATAPPA,
AGED ABOUT 39 YEARS,
1ST CROSS, MALLIGE ROAD,
GOKULA EXTENSION, TUMKUR 572 104

...PETITIONER

(BY SRI. R SHASHI KUMAR., ADVOCATE AND
SRI. SANDEEP LAHARI, ADVOCATES)

AND:

1. STATE BY JAYANAGAR POLICE
TUMAKURU, KARNATAKA 572103,
REP BY PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU 560001.
2. SRI. RAGANATH
S/O. M K CHANNAIAH,
R/AT MUDDU MANDIRA NILAYA,
3RD CROSS, 3RD MAIN, 3RD LINK ROAD,
KUVEMPU NAGAR, TUMAKURU 572103.
3. HOLI BASAPPA @ BASAVARAJU
S/O. BASAVALINGAPPA,
AGED ABOUT 30 YEARS
BADDIHALLI VILLAGE,
TUMAKURU TALUK AND DISTRICT 57210

...RESPONDENTS

(BY SMT. RADHA RAMASWAMY, AGA FOR R-1;
SRI. M.N.MADHUSUDHAN, ADVOCATE FOR R-2;





VIDE ORDER DATED:24.04.2024, NOTICE TO R-3 IS HELD SUFFICIENT)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE ENTIRE RECORDS IN CR. NO. 127/2016 ON THE FILE OF THE III ADDL. DISTRICT AND SESSIONS JUDGE, TUMKUR DISTRICT, TUMAKURU AND SET ASIDE THE ORDER DATED 24.3.2018 PASSED IN CR. NO. 127/2016 BY THE III ADDL. DISTRICT AND SESSIONS JUDGE, TUMKUR DISTRICT, TUMAKURU AND PERMIT THE PETITIONER HEREIN TO FILE A PROTEST PETITION / OBJECTIONS TO THE B-REPORT VIDE ANNEXURE-A, ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. This petition is filed challenging the order dated 24.03.2018 passed by the Trial Court by which the Trial Court has accepted the 'B' report.
2. The petitioner had filed a complaint against respondents No.2 and 3 and the police after investigating filed a 'B' report on 06.06.2017. Notice of the 'B' report was ordered to the petitioner and the petitioner entered appearance on 12.08.2017 and was granted time to file objections to the 'B' report. The matter was thereafter adjourned to 07.10.2017 on which date the petitioner was



absent. Again the matter was adjourned to 02.12.2017 on which date also the petitioner was absent. The Trial Court, thereafter, adjourned the matter to 03.02.2018, on which date the petitioner was present and the matter was once again adjourned to 24.03.2018 for objections to the 'B' report.

3. On 24.03.2018 the petitioner chose to remain absent and as a consequence the Trial Court proceeded to accept the 'B' report, noticing that the objections were not filed to the 'B' report. It is as against this order the present petition is filed.

4. A perusal of the ordersheet would indicate that though the petitioner had entered appearance on 06.06.2017 and had also appeared on 12.08.2017 and though four adjournments were granted subsequently, the petitioner did not choose to file objections to the 'B' report. In fact the ordersheet indicates that from August 2017 till March 2018 i.e., nearly for seven months objections were not filed.



5. In the light of the fact that the petitioner has not chosen to file objections for more than seven months, the Trial Court has proceeded to accept the 'B' report. I find no reason to interfere with the order passed by the Trial Court. Writ Petition is, therefore, ***dismissed***.

6. In view of disposal of Writ Petition, pending I.As., if any, are accordingly disposed of.

**Sd/-
JUDGE**

HNM
List No.: 1 Sl No.: 40