KABC010337642024

IN THE COURT OF LXXXI ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-82)

Present:
Sri Santhosh Gajanan Bhat, B.A.L., LL.B.,
LXXXI Addl. City Civil & Sessions Judge,
Bengaluru City (CCH-82)
(Special Court exclusively to deal with criminal cases related to former and elected MPs/ MLAs in the State of Karnataka)

Dated this the 3rd day of April, 2025

Spl.CC No.2627/2024

COMPLAINANT: State by Special Investigation Team, CID, Bengaluru

(By Sri.B.N.Jagadish and Sri Ashok Naik, Learned Special Public Prosecutors)

V/s

ACCUSED Sri. Prajwal Revanna
S/o H.D.Revanna,
Aged about 33 years,
R/a.Chennambika Nilaya,
Chennambika Circle,
Holenarasipura
Hassan District

Also R/at. H.No.83,
Shivasmitha, Ranojirao Road
Basavanagudi, Bengaluru

(Sri.Aruna Shyam, learned Senior Counsel appearing for Sri Arun.G., Advocate for accused)

ORDER

This discharge application is filed U/s.227 of Cr.P.C., by accused Mr. Prajwal Revanna wherein a final report has been filed for the offences punishable under Sec.354(A), 354(B), 354(C), 376(2)(n), 376(2)(k), 506 and 201 of IPC and under Sec.66(e) of the I.T.Act, 2000 by SIT, CID, Bengaluru.

2. The brief facts in narrow compass is that the criminal law was set in to motion on the basis of written information which was filed by the prosecutrix / victim (name redacted) wherein she had stated that about 8 years back one Mr.Satish Babanna had requested her to be a maid servant at Ganikada farm house of Mr.H.D.Revanna who is the father of the Accused herein and as such the complainant and her husband had joined their farm house and were taking care of the farm house and also the members who used to visit the said Farm house. It is also narrated by her that it was frequented by the Accused

herein who is son of Mr. H D Revanna and Smt.Bhavani Revanna and further she has averred that she used to clean his room once in 3 days. It is submitted in the complaint that during the lock down period of 2021 the accused Prajwal Revanna had come to Gannikada Farm House and had requested her to bring drinking water and when she entered the room, he had latched the door and on her persistent request to open the door he had refused and had forcibly removed her blouse and saree and pressed her private parts against her wishes and opposition. Further, she had narrated in detail how he had ravished her in spite of her persistent opposition and the unfortunate incident was recorded by him by holding mobile in his hand. It is her contention that the accused Prajwal Revanna had threatened to send the video to her family members if she had revealed about the incident. She has also narrated that after the said incident, she used to avoid to visit the room of Prajwal Revanna on one or the other pretext and as such after about some time the mother of accused by name Smt.Bhavani Revanna had taken the victim to clean the house of Basavanagudi,

Bengaluru and at that time the complainant had taken her sisters Shobha, Shyamala and when she was cleaning the room of accused Prajwal Revanna once again he had called her inside the room and closed the door and forced her to remove clothes and though she had requested him to leave hear, he had threatened her and had forcible sex with her by once again recording the incident through his mobile phone and threatened her with dire consequences. It is also her contention that after the said incident once again at Gannikada, the accused used to call her inside the room by directing her to bring drinking water and was ravishing her. As such, she had left the job in the year 2022 and she was doing menial jobs in her village.

3. Thereafter, it is narrated by her that the incident was telecast in TV and also herself had stated that she had watched the video wherein she was ravished by accused person and due to the said incident, she was crest fallen and after getting necessary counseling from concerned persons, she had garnered courage and had lodged complaint. Accordingly, case came to be registered and at that point of time, the Accused was not in the

country. Later on, he had returned back on 31.5.2024, wherein he was nabbed at the Airport itself with respect to committing offences in Cr.No.107/2024 and after that he was produced before the committal court in the above case under a body warrant. The State Government by its order had formed Special Investigation Team ('SIT' for short) for the purpose of investigation in the above case and thereafter, the SIT which was formed as part of CID police Station had conducted investigation, recorded statement of the victim and collected necessary materials and also the statement of the witnesses as contemplated under Sec.161 of Cr.P.C. It was noticed during the course of investigation that there were sufficient materials to file charge sheet against accused person and accordingly, the I.O. had filed charge sheet for the aforesaid offences.

4. Learned Committal Court on perusal of the materials on record had noticed that the offences alleged against accused Prajwal Revanna were exclusively triable by the Court of Sessions and had proceeded to pass committal order. After complying Sec.207 of Cr.P.C., on committing of case to this court, the accused Prajwal

Revanna was secured under body warrant and learned Public Prosecutor was notified in this regard. Since the Investigating Agency was being represented by Special Public Prosecutors, the court had issued notice to Spl. Public Prosecutor and Sri Ashok Naik and Sri Jagadish B.N. have filed the notification issued by the Government in this regard towards appointing them as Special Public Prosecutors.

5. The accused Mr.Prajwal Revanna has now filed application under Sec.227 of Cr.P.C., seeking for his discharge on the basis of the ground that there are no sufficient materials available to prosecute him. It is also been submitted that about 4 FIRs were registered against accused between 28.4.2024 to 10.6.2024 i.e., Cr.No.107/2024 on the file of Holenarasipura P.S., Cr.No.2/24 on the file of Cyber Crime P.S., Bengaluru, Cr.No.20/2024 on the file of Cyber Crime PS, Bengaluru and Cr.No.3/2024 on the file of Cyber Crime P.S. CID, Bengaluru. The investigation were carried out by the SIT, CID, including the case in Cr.No.149/2024 which was initially registered by K.R.Nagara Police Station, Mysuru

District. It is also been submitted that on perusal of the charge sheet materials, the victim had alleged that she along with her husband and her sisters were working as maid servants in Gannikada Farm House about 8 years back at Hassan District. It is also been contended by the accused that there are no materials to indicate that the alleged incident had taken place about 8 years back. The accused has also contended that as per the allegations leveled the alleged incidents were video graphed in the mobile phone. However, the original mobile phone through which it was recorded was not recovered by the Investigating Agency. It is also been contended by the accused that grave allegations leveled are far from truth and were all leveled to tarnish the reputation of the accused in the society as he was a Parliamentarian at that point of time. It is also been submitted that he was being falsely implicated for political reasons and the entire charge sheet if appreciated in consonance with the materials which are placed would indicate that the same was filed at the behest of the persons who were inimical towards the family of the accused. He has also seriously

caused aspersions with respect to the materials recovered in the instant case and as such submitted that in the era of digitalization the question of morphing and creating fake video were always possible. The learned counsel has also contended that there are no materials to indicate that alleged date and time of incident nor there were any materials to indicate the same and further no materials were collected by the I.O., with respect to the offences which were initially committed in the year 2021. He has further argued that if at all the incident had taken place in the year 2021, nothing prevented the complainant to bring it to the notice of the Law Enforcement Agency immediately thereafter. The inordinate delay in lodging the complaint was also not explained. Later on, the learned counsel for accused has filed additional grounds for seeking discharge and it is his contention that the SIT was not police station and filing of final report by the SIT was totally against to the settled principles of law and has argued that very same contention was raised in another matter before Hon'ble High Court of Karnataka wherein it was held that the SIT did not had any power to file final report. In the facts and

circumstances, the accused has submitted that there are no grounds to proceed against him and hence, he had sought for discharging him from the aforesaid offences.

6. The learned Senior Counsel Sri Aruna Shyam appearing on behalf of advocate appearing on behalf of Mr. Prajwal Revanna had taken this court to the entire materials collected by the Investigating Agency in the charge sheet. The learned Senior Counsel has vehemently argued that when the entire materials in the form of complaint and also statement of the victim and other witnesses have been appreciated carefully would indicate that the incident itself was highly improbable and also it has been submitted by the learned Senior Counsel that the inordinate delay of more than 4 years was not properly explained. The learned Senior Counsel has also argued that no sufficient materials were available on record to frame charges. It is his submission that unless the alleged incident is pointed out to have been committed on specific date and time, the bald allegations being leveled against the accused cannot be accepted. Learned Senior

Counsel has vehemently canvassed his arguments with respect to the legality and right of the SIT to file the final report.

7. The learned Senior Counsel has argued that the SIT could not be treated in par with the CID Police station and it is his submission that only the CID is notified as police station and SIT are not empowered to file final report. However, in the instant case SIT was formed by drawing officers from the CID itself which is now notified as Police Station and submission of Final Report by the officials of SIT will not cure the defect and hence, the same goes to the root of the case. The learned Senior Counsel has also filed organization chart of the CID and submitted that the CID which is now declared to be a police station and only CID along with another Special Wing i.e., CEN police station is also declared to be police station. By pointing out the same and also work distribution of CID, he has argued that at no stretch of imagination the SIT can be termed as a Police Station. Accordingly, he has submitted that there are no materials to proceed further

against the accused person and has sought for discharging him.

8. In order to buttress his submission, the learned counsel has relied upon the judgment of the Hon'ble High Court of Karnataka in **Crl.RP No.638/2016 decided on 29.12.2021 (Smt.Premalatha Diwakar Vs. State of Karnataka and others)** wherein identical questions were raised in that case. It is his submission that at that point of time, the CID was not declared to be a police station by way of empowering notification and as such the Hon'ble High Court of Karnataka was pleased to allow the revision petition to hold that the filing of final report itself was vitiated. By pointing out to the same, it is his submission that parlance may be drawn in the instant case also wherein SIT is authorized to investigate the case. If the said notification is appreciated the authorization handed over to SIT and also the directions issued therein to file final report to the Government would indicate that the SIT was not empowered to conduct investigation in the above case but it was in fact like a fact-finding committee.

9. Learned Senior Counsel has also relied upon the following authorities:

- ❖ SLP (Crl) No.2157-2158/2021 dated 30.7.2021 (Interim order extension order)
- ❖ SLP (Crl) No.2321/2022 dated 1.4.2022 (Interim order wherein the order on Point No.(ii) (Paragraphs 14 to 20 of the impugned order) is stayed until further orders.
- ❖ SLP (Crl) No.4653-4654/2022 dated 20.5.2022 (order issuing notice)
- ❖ SLP (Crl) No.8846/2023 dated 31.07.2023 (order to list the matter)
- ❖ SLP (Crl) No.11090-11091/2023 dated 11.9.2023 & 31.10.2023 (order issuing notice to opposite side)
- ❖ SLP (Crl)(Dairy) No.50672/2024 dated 2.12.2024 (Order to Tag along with SLP (Crl.) No.8846 of 2023).

10. During the course of further submission the learned Senior Counsel has also relied upon the following orders/judgment;

1) Order of Hon'ble High Court of Karnataka in Crl.R.P.250/2022 c/w Crl.R.P.No.183/2022 dated 26.5.2023 (N.Narasimha Murthy Vs. State of Karnataka)

2) Judgment of Hon’ble Apex Court

reported in 2022 SCC OnLine SC 752 (xxxxx appellants Vs. State of Uttarkhand and another)

3) Order of Hon'ble High Court of Karnataka in Crl.R.P. No.638/2016 c/w Crl.R.P. No.550/2016 dated 29.12.2021 (Smt.Premalatha Divakar Vs. The state of Karnataka and another).

11. Per contra the learned Special Public Prosecutor Sri Jagadish B.N. has appeared on behalf of the State has filed detailed statement of objections inter-alia submitting that the investigation which is conducted is comprehensive and in fact sufficient incriminating materials are obtained against the accused person. He has brought to the notice of this court that four volumes of materials have been collected against the accused person and thereafter additional charge sheet was also being filed before the committal Court. It is the submission of the learned Special Public Prosecutor that the prosecution case was corroborated with the statement of the complainant which was recorded under Sec.161 of Cr.P.C. and thereafter she had given similar statement under Sec.164 of Cr.P.C. He has also argued that the statement of the witnesses

including the sister of the complainant, her son and her husband would corroborate the fact that the complainant / victim was working as maid servant in the house of accused person at relevant point of time. It is also been submitted by the learned Spl. Public Prosecutor that there is not much dispute with respect to the political influence which is being enjoyed by the family of the accused person, since his grandfather was Ex-Prime Minister of India and his father was former Minister and at the time of alleged incident the accused himself was sitting Member of Parliament of Hassan Parliamentary Constituency. The learned Spl. Public Prosecutor has brought to the notice of the court that the video which went viral indicating of sexual ravishment on the victim was sent to the FSL examination and the detail report of the lab would indicate that the videos were not edited or morphed. That apart it is his submission that the victim had identified herself in the sexual assault video recorded by the accused wherein her face was clearly visible and after that with the permission of the court the voice sample of the accused was collected and same was also sent for scientific examination wherein

it was stated that the voice sample matched with that of the video. Further the learned SPP has argued that even for the sake of arguments, if questions are raised with respect to authenticity of the videos, the statement recorded under section 161 of Cr.P.C or that of statement recorded under Sec 164 of Cr.P.C under oath before the Judicial Officer would be suffice to consider the availability of materials at this juncture. The learned Spl. Public Prosecutor has also brought to the notice of the mahazar which was drawn in Gannikada Farm House.

12. Further, the learned Spl. Public Prosecutor has also submitted that the DNA reports which were collected in the above case would also attribute to the role of the accused person. The learned Spl. Public Prosecutor has vehemently argued that at the time of considering the discharge application all that it is required for the court to consider the existence or otherwise of the materials to frame charges. He has argued that if the materials available on record would indicate of grave suspicion the same would suffice to frame charges. The learned Special Public Prosecutor Sri B.N.Jagadish has also taken this

court to the various statements of the witnesses who in a way have corroborated to the statement of the complainant. By pointing out the said statements i.e., statement of CW8 Raju who is son of the victim, CW9 Smt.H.S.Shobha who is also known person and had worked along the with the victim at the time of incident would indicate of such an incident being taken place. Learned Spl. Public Prosecutor has also pointed out that CW16 Manjunath H.N. who is the person who had furnished various sim cards to accused Prajwal Revanna, which were utilised for storing videos. That apart the evidence of CW17 Devaraju, son-in-law of the victim, CW21 Shyamala sister of the victim, would corroborate with the statement of the victim. It is his submission that CW60 Smt.Bhavani Revanna who is mother of the accused had also categorically admitted that the victim was working in their Gannikada Farm House and also the fact that she had taken her to clean their house at Bengaluru would fortify the case of the prosecution. By pointing out the aforesaid aspects the learned Spl. Public Prosecutor has vehemently argued that the contention of the counsel for

accused that there are no materials to frame charges is not correct.

13. With respect to the legal aspect which has been raised by the accused by contending that SIT is not competent to file final report, the learned Spl. Public Prosecutor has submitted that the order passed by the Hon'ble High Court of Karnataka in **Crl.P.No.1724/2025 (Mr.Munirathnam Vs. state of Karnataka) decided on 7.3.2025** would clarify the aforesaid aspects. It is his submission that in the aforesaid authority, the Hon'ble High Court of Karnataka has specifically held that filing of charge sheet by the SIT was not illegal and SIT was part of the CID which is declared to be a police station. With respect to the other judgment which is relied upon by the learned counsel for accused, the learned Spl. Public Prosecutor has argued that the judgment passed by the Hon'ble High Court of Karnataka in WP No.56574/2018 was not applicable to the case on hand and also the aforesaid judgment was stayed by the Hon’ble Apex Court until further orders. By pointing out the aforesaid aspects

the learned Spl. Public Prosecutor has submitted that the filing of final report by SIT was in accordance with law and there are incriminating materials to proceed against the accused person and hence, he has sought for rejecting application and to frame necessary charges against the accused.

14. Heard and perused the materials on record.

15. The points that arise for my consideration are as follows:-

(1) Whether the accused Mr. Prajwal Revanna has made out grounds for allowing the application filed under Sec.227 of Cr.P.C., enabling him to be discharged?

(2) What order?

16. My answer to the above points is as follows: -

Point No.1: In the **Negative**

Point No.2: As per final order for the following:

REASONS

17. **Point No.1:**- Before adverting to the factual aspects of the case, the fact in narrow compass is that the criminal law was set in to motion on the basis of the

complaint which was filed by the prosecutrix on 5.5.2024 before jurisdictional CID police contending that she was working as maid servant in the Gannikada Farm House of the accused about 8 years back and at that point of time during the lock down period of 2021 the accused Prajwal Revanna had come to the Farm House and had requested her to bring drinking water and when she taken the same he had latched the door and forced her to remove her clothes and ravished her and he had also recorded the same on his mobile phone. It is submitted in detail about the subsequent acts wherein he had repeated the same in his Gannikada Farm House as well as at his house at Basavanagudi, Bengaluru, wherein she was requested to clean the house at the behest of his mother Smt.Bhavani Revanna. Thereafter, it has been narrated that the incident of ravishment was made viral in the media which was noticed by her son and family members and thereafter she had mustered courage to lodge complaint. On the basis of the same the investigation had commenced and on completion of the investigation, now the final report has been filed.

18. During the course of proceedings the accused Mr.Prajwal Revanna was arrested in another connected case and he was remanded to Judicial Custody in that case. The accused was secured under body warrant by the learned Magistrate and after noticing the facts that the offences alleged were all exclusively triable by the Court of Sessions, the case came to be committed to this Court. It is also pertinent to note that after committal, accused was secured under body warrant before this court and later on the present application was filed.

19. As already discussed above in the majority of the grounds which are been urged by the learned Senior Counsel for accused is with respect to technical aspects of the investigation Agency to file final report. The question of technicalities will be dealt in the later part of my order and at this juncture, since the application has been filed under Sec.227 of Cr.P.C., the court is required to consider whether there are sufficient materials to frame charges. The law in this regard is very well settled wherein Hon'ble Apex Court had time and again held that the court at the time of considering discharge application need not to

appreciate materials as if it is considering the case on merits for the purpose of conviction or acquittal. Rather, the court is required to sift and weigh the evidence to ascertain whether the materials on record i.e., in the Final Report create grave suspicion and if so, the same would be held sufficient for the purpose of framing charges. The manner in which the discharge application is required to be considered is not res-integra and the same has been narrated by the Hon'ble Apex Court in the judgment rendered in the case of **(1979)3 SCC 4 (Union of India V Prafulla Kumar Samal and another)** it is held as follows:

> ***10. Thus, on a consideration of the authorities mentioned above, the following principles emerge:***
>
> ***(1) That the Judge while considering the question of framing the charges under Section 227 of the Code has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out.***
>
> ***(2) Where the materials placed before the Court disclose grave suspicion against the accused which has not been properly explained the Court will be fully justified in framing a charge and proceeding with the trial.***
>
> ***(3) The test to determine a prima facie case would naturally depend upon the facts of each case and it is difficult to***

> ***lay down a rule of universal application. By and large however if two views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his right to discharge the accused.***
>
> ***(4) That in exercising his jurisdiction under Section 227 of the Code the Judge which under the present Code is a senior and experienced court cannot act merely as a Post Office or a mouthpiece of the prosecution, but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the Court, any basic infirmities appearing in the case and so on. This however does not mean that the Judge should make a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.***

20. Even Hon'ble Apex Court in the latest judgment reported in (2024) 10 SCC 651 (Ram Prakash Chadha V State of U P) wherein it is held as follows:

> ***22. In P. Vijayan v. State of Kerala [P. Vijayan v. State of Kerala, (2010) 2 SCC 398 : (2010) 1 SCC (Cri) 1488] , after extracting Section 227CrPC, this Court in paras 10 and 11 held thus: (SCC pp. 401-402)***

"10. ... If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial Judge will be empowered to discharge the accused and at this stage he is not to see whether the trial will end in conviction or acquittal. Further, the words "not sufficient ground for proceeding against the accused" clearly show that the Judge is not a mere post office to frame the charge at the behest of the prosecution, but has to exercise his judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution. In assessing this fact, it is not necessary for the court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really the function of the court, after the trial starts.

11. At the stage of Section 227, the Judge has merely to sift the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused. In other words, the sufficiency of ground would take within its fold the nature of the evidence recorded by the police or the documents produced before the court which ex facie disclose that there are suspicious circumstances against the

accused so as to frame a charge against him."

24. In the light of the decisions referred supra, it is thus obvious that it will be within the jurisdiction of the Court concerned to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused concerned has been made out. We are of the considered view that a caution has to be sounded for the reason that the chances of going beyond the permissible jurisdiction under Section 227CrPC, and entering into the scope of power under Section 232CrPC, cannot be ruled out as such instances are aplenty. In this context, it is relevant to refer to a decision of this Court in Om Parkash Sharma v. CBI [Om Parkash Sharma v. CBI, (2000) 5 SCC 679 : 2000 SCC (Cri) 1014] . Taking note of the language of Section 227CrPC, is in negative terminology and that the language in Section 232CrPC, is in the positive terminology and considering this distinction between the two, this Court held that it would not be open to the Court while considering an application under Section 227CrPC, to weigh the pros and cons of the evidence alleged improbability and then proceed to discharge the accused holding that the statements existing in the case

therein are unreliable. It is held that doing so would be practically acting under Section 232 CrPC, even though the said stage has not reached. In short, though it is permissible to sift and weigh the materials for the limited purpose of finding out whether or not a prima facie case is made out against the accused, on appreciation of the admissibility and the evidentiary value such materials brought on record by the prosecution is impermissible as it would amount to denial of opportunity to the prosecution to prove them appropriately at the appropriate stage besides amounting to exercise of the power coupled with obligation under Section 232 CrPC, available only after taking the evidence for the prosecution and examining the accused.

26. The stage of Section 227 CrPC, is equally crucial and determinative to both the prosecution and the accused, we will dilate the issue further. In this context, certain other aspects also require consideration. It cannot be said that Section 227CrPC, is couched in negative terminology without a purpose. Charge-sheet is a misnomer for the final report filed under Section 173(2) CrPC, which is not a negative report and one that carries an accusation against the accused

concerned of having committed the offence(s) mentioned therein.

21. By keeping in mind the aforesaid aspects, now it would be appropriate to traverse with the materials which has been levelled in the charge sheet. It has been vehemently argued by the learned counsel for accused that there are no materials to frame charges. In fact, it has been submitted that the date of commission of offence is not succinctly explained and also the allegation which is levelled is very bald. In order to better appreciate the same, I have bestowed my anxious reading to the written information which has been filed in this regard. In the written information, the prosecutrix has narrated that the alleged incident had taken place for the first time in the year 2021 when accused Mr.Prajwal Revanna had visited Gannikada Farm House. Further, it is also relevant to note that the date of incident is not mentioned, however, the prosecutrix / victim had narrated that the same had taken place during the period of lock down. The aforesaid aspect though looks to be a vague at the first instance, the same also would indicate the fact that the victim is able to

recollect the incident which had taken place about 3 years back. No doubt the prosecution is required to explain the delay for lodging the complaint in the year 2024 towards the incident that had taken place in the year 2021. However, at the time of considering the discharge application, the same cannot be appreciated and as already discussed above, the question which is required to determined is whether the statement recorded by the victim inspires confidence. In this regard reliance is placed on the judgment of the Hon'ble Apex Court reported in 1963 SCC Online SC 63 (Chittaranjan Das V State of West Bengal) wherein it is held as:

> 7. ***It is quite clear that if the charge mentions an unduly long period during which an offence is alleged to have been committed, it would be open to the criticism that it is too vague and general, because there can be no dispute that the requirement of Section 222(1) is that the accused person must have a reasonably sufficient notice as to the case against him. The basic requirement in every criminal trial therefore, is that the charge must be so framed as to give the accused person a fairly reasonable idea as to the case which he is to face, and the validity of the charge must in each case be determined by the application of the test, viz, had the***

accused a reasonably sufficient notice of the matter with which he was charged? It is quite conceivable that in some cases by making the charge too vague in the matter of the time of the commission of the offence an accused person may substantially be deprived of an opportunity to make a defence of alibi, and so, the criminal courts naturally take the precaution of framing charges with sufficient precision and particularity in order to ensure a fair trial; but we do not think it would be right to hold that a charge is invalid solely for the reason that it does not specify the particular date and time at which any offence is alleged to have been committed. In this connection, it may be relevant to bear in mind that the requirements of procedure are generally intended to subserve the ends of justice, and so, undue emphasis on mere technicalities in respect of matters which are not of vital or important significance in a criminal trial, may sometimes frustrate the ends of justice. Where the provisions prescribed by the law of procedure are intended to be mandatory, the legislature indicates its intention in that behalf clearly and contravention of such mandatory provisions may introduce a serious infirmity in the proceedings themselves; but where the provisions made by the law of procedure are not of vital importance, but are, nevertheless, intended to be observed, their breach may not necessarily vitiate the trial unless it is shown that the contravention in question has caused prejudice to the accused. This position is made clear by Sections 535 and 537 CrPC.

22. At the cost of repetition, it is stated that the court is not appreciating the materials on merits, but only for the limited purpose of framing charge. The records indicate that the investigating Agency have recorded the statement of victim under Sec.161 of Cr.P.C. i.e., on 5.5.2024 itself. The records also indicate that she had given a statement that she was kidnapped forcibly, wherein allegation is levelled that the family members of accused Prajwal Revanna were involved in kidnapping the victim and keeping her forcibly in another farm house. Be that as it may, the further statement which were recorded on 7.5.2024 also indicates that the victim was working as maid servant in the Farm House of Gannikada belonging to accused and his family members. In her statement she had explained in detail that how she was given the job of maid servant in the family about 8 years back and who was instrumental in giving job. She has also narrated that the mother of the accused by name Smt.Bhavani Revanna had appointed her to look after the Farm House and even the sister of the victim was provided with a job in the farm house. The victim has explained in detail that how the

Smt.Bhavani Revanna and Sri H.D.Revanna and the elder brother of accused by name Sri Sooraj Revanna used to visit the Farm House repeatedly once in a month and their behaviour. That apart, she has explained about the incident that had taken place during the COVID LOCKDOWN PERIOD of the year 2021 and the manner in which she was ravished. With the aforesaid aspects the court is now required to appreciate the materials i.e., the statement which is recorded under Sec.164(5) of Cr.P.C. before the learned Magistrate. In her statement under oath also she has reiterated the aforesaid aspects and in fact she has explained in detail about the tragic day wherein she was ravished by accused Prajwal Revanna. She has explained minutely about the incident and also the aftermath of the incident. In her statement she has stated that after that she was pressurised not to reveal the incident as she is only a daily wage coolie in their farm house. She has also explained her predicament to lodge complaint immediately after the incident to the political influences which were being enjoyed by the accused person. Needless to mention that accused Prajwal Revanna

himself was Member of Parliament of Hassan Constituency at that point of time and his mother Smt.Bhavani Revanna was a Z.P. member and also his father was MLA and former minister. She has also explained how she was ravished subsequently and how she had behaved immediately after the incident. It is relevant to note that in her statement under Sec.164 Cr.P.C., she has explained the manner in which she had protested towards the commission of the act by the accused and at that time, it seems that the accused Prajwal Revanna had threatened her to send the video of the incident. It is her contention that after the first incident about 20 days thereafter, the accused had once again visited the Farm House and had directed her to bring drinking water. When she refused to do so, he had forced her to bring the water and thereafter he had tried to make physical contact forcibly which she was successful to resist. She has also explained that she had given some lame reason and had abstained herself from going to farm house and during that period Smt.Bhavani Revanna had locked her room. She had explained the things which were kept inside their servant

quarters was kept under lock for about 3 years and only during the period of election the video became viral, which was noticed by her family members and all the aforesaid incident was revisited and forced her to initiate legal recourse.

23. On going through the statements of the victim recorded under sec.164(5) of Cr.P.C., when appreciated with the statement of other witnesses i.e., the statement of her son whose statement is recorded as CW8 Raju, the aforesaid aspects can be noticed. Further, the presence of the victim at the aforesaid place is noticed from the statement of CW9-H.S.Shobha who has given her statement of working together with prosecutrix at relevant point of time. The evidence of CW17 Devaraju who is none other than the son-in-law of the victim corroborates with the statement of the victim. That apart the statement of CW21 Smt.Shyamala who is the sister of victim and CW40 Sri Rakesh who has deposed of victim working at Gannikada farm house would only lend assurance to the contention of the victim. CW43 Smt.Prabha who is the daughter of the victim has also given her statement

indicate of her mother working in the Gannikada farm house.

24. At this juncture it is also required to consider the fact that whether mere working in the farm house of the accused would be suffice to hold that the statements are true and correct. Admittedly, the court is now looking in to the materials for the purpose of framing of charges and not for the purpose of considering the case on merits. At this juncture the court is always required to consider whether the aforesaid statements lead to grave suspicion with respect to commission of offence. Even otherwise the law is well settled with respect to the allegations levelled by the victim of sexual harassment. The dictum of the superior courts would only indicate that when the statement is rendered by the victim with respect to her chastity the court is required to accept the same unless the same is found to be tainted or being obtained out of some irregularity or illegality. In other words, it is to be presumed in ordinary prudence that no women would come before the court to make statement about her own chastity which is considered to be much more important

than being alive in normal Indian traditional society. In this regard, the court has relied upon the judgment of Hon'ble Apex Court reported in (1996) 2 SCC 384(State of Punjab V Gurmit Singh) wherein it is held as:

> ***16. A prosecutrix of a sex offence cannot be put on par with an accomplice. She is in fact a victim of the crime. The Evidence Act nowhere says that her evidence cannot be accepted unless it is corroborated in material particulars. She is undoubtedly a competent witness under Section 118 and her evidence must receive the same weight as is attached to an injured in cases of physical violence. The same degree of care and caution must attach in the evaluation of her evidence as in the case of an injured complainant or witness and no more. What is necessary is that the court must be alive to and conscious of the fact that it is dealing with the evidence of a person who is interested in the outcome of the charge levelled by her. If the court keeps this in mind and feels satisfied that it can act on the evidence of the prosecutrix, there is no rule of law or practice incorporated in the Evidence Act similar to illustration (b) to Section 114 which requires it to look for corroboration. If for some reason the court is hesitant to place implicit reliance on the testimony of the prosecutrix it may look for evidence which may lend assurance to her***

testimony short of corroboration required in the case of an accomplice. The nature of evidence required to lend assurance to the testimony of the prosecutrix must necessarily depend on the facts and circumstances of each case. But if a prosecutrix is an adult and of full understanding the court is entitled to base a conviction on her evidence unless the same is shown to be infirm and not trustworthy. If the totality of the circumstances appearing on the record of the case disclose that the prosecutrix does not have a strong motive to falsely involve the person charged, the court should ordinarily have no hesitation in accepting her evidence. We have, therefore, no doubt in our minds that ordinarily the evidence of a prosecutrix who does not lack understanding must be accepted. The degree of proof required must not be higher than is expected of an injured witness. For the above reasons we think that exception has rightly been taken to the approach of the High Court as is reflected in the following passage:

"It is only in the rarest of rare cases if the court finds that the testimony of the prosecutrix is so trustworthy, truthful and reliable that other corroboration may not be necessary."

With respect, the law is not correctly stated. If we may say so, it is just the reverse. Ordinarily the evidence of a prosecutrix must carry the same weight as is attached to an injured person who is a victim of violence, unless there are

special circumstances which call for greater caution, in which case it would be safe to act on her testimony if there is independent evidence lending assurance to her accusation.

25. The aforesaid judgment clearly indicates that the sole testimony of victim herself is sufficient if the court comes to conclusion that the same is of sterling quality. The other aspect which would indicate grave suspicion is the collection of digital evidence. Though the learned counsel for accused has vehemently argued that the instrument which was used for recording the alleged incident is not at all recovered by the concerned police. Once again, the same requires to be tested during the course of trial. The charge sheet papers indicate that on various dates several mahazars were drawn and also the Investigating Agency had collected the voice sample of accused in accordance with law and the same was sent for FSL to determine the veracity / genuineness of the voice sample to be compared with that of the voice in the video which went viral. The learned SPP has vehemently argued that the video graphs which were sent for forensic

examination, the experts have given their opinion that the videos are not doctored / morphed / edited. The aforesaid aspects would only act as supporting material to the statement recorded by the Investigating Agency. The charge sheet material also indicates of recovering several articles which were kept under the lock by Smt.Bhavani Revanna, the mother of accused Prajwal Revanna in the servant quarters. The recovery of the aforesaid materials also indicates and somewhere it corresponds with the statement of the victim wherein she had narrated that she had left the job and even she was not permitted to collect her clothes and other materials by the mother of the accused Prajwal Revanna. No doubt the recovery and also the veracity of the digital evidence is a matter which requires to be considered succinctly during the course of trial, at this juncture, the same creates a strong and grave suspicion with respect to commission of alleged incident. I have also perused the statement of other witnesses and also the materials collected by the Investigating Agency. On looking in to the aforesaid aspects which clearly casts a grave suspicion with respect to commission of the offence

and as such question of discharging the accused on the aforesaid aspects does not arise.

Whether the charge sheet filed by the Investigating Agency is not proper and requires to be rejected.

26. Learned Senior Counsel Sri Aruna Shyam appearing for the learned counsel for accused has vehemently argued that the placing of final report before the court itself was illegal. It is his submission that at the inception of the case, SIT came to be formed and as per the notification, the investigation was entrusted to the Special Investigation Team. He has pointed out to the notification dated 6.5.2024 which indicates that the learned ADGP and Head of the SIT, CID, Bengaluru had constituted a team and has narrated that as per the order passed by the Government of Karnataka, SIT was constituted and thereafter, as per the directions of DG and IGP, the personnel of SIT Team was deputed. The aforesaid notification indicates of deputing some officers and by pointing out to the same, the learned Senior Counsel has argued that the tenor of the notification indicates that on culmination of investigation, the final report is required to

be submitted to the Government. It is also his contention that SIT by itself is not a police station which can investigate the case independently and now by virtue of the notification issued in the year 2024, the CID has been designated as police station which is empowered to register the case and investigate the same. Learned Senior Counsel has taken this court with respect to the notifications which are passed by the Government in this regard and has submitted that the words which are used in the constitution of SIT indicate that the final report are to be placed to the Government. By pointing out to the same he has submitted that the SIT did not have any power to file the final report to the court, but it was CID which should have submitted the final report. Unless the same is cured, furnishing of final report to the court by SIT itself was vitiated. I have bestowed my anxious reading to the same and also the submissions made by the learned Senior Counsel with respect to the deputation of staff to SIT by the officers of CID and also the organization structure of CID. The learned Senior Counsel by pointing out to the same has argued that the impugned notification itself

would clarify that at no point of time the SIT was empowered to submit the final report. In order to buttress his submission the learned Senior Counsel has relied upon the judgment of the Hon'ble High Court of Karnataka reported in **Crl.P.No.250/2022 dated 26.5.2023 in the case of N.Narasimhamurthy Vs. State of Karnataka** wherein it has been held as:

> ***25. This notification was superseded by another notification dated 19.03.2016 by which the Anti Corruption Bureau was declared to be the police station under Section 2(s) of Cr.P.C., which was later struck down by a Division Bench of this Court in Chidanand Urs vs State of Karnataka and Others (2022)5 KLJ 193(DB). Thus as the matter stands, the Karnataka Lokayukta for all practical purposes continues to be a police Station as defined under Section 2(s) of Cr.P.C.***
>
> ***26. Section 173(2) of Cr.P.C. mandates that once an investigation is complete, "the officer-in-charge of the police station shall forward to the Magistrate empowered to take cognizance of the offence on a police report, a report in the form prescribed". A "police report" as defined under Section 2(r) of Cr.P.C. means a report forwarded by a police officer to a Magistrate under Section 173(2) of Cr.P.C.***

27. A "police station" is defined under Section 2(s) of Cr.P.C. which is as follows:

"Section 2(s) - 'Police Station' means any post or place declared generally or specially by the State Government, to be a police station, and includes any local area specified by the State Government in this behalf."

28. Similarly, the words "Officer-in-charge of a police station" is inclusively defined under Section 2(o) of Cr.P.C. as follows:

"Section 2(o) - 'Officer-in-charge of a police station' includes, when the officer in charge of the police station is absent from the station-house or unable from illness or other cause to perform his duties, the police officer present at the station-house who is next in rank to such officer and is above the rank of constable or, when the State Government so directs, any other police officer so present."

29. Therefore, it is indisputable that a final report under Section 173(2) of Cr.P.C. should be filed only by an Officer in-charge of a police station and any post or place and its local area must be declared generally or specially by the State Government. This power of filing a report by the officer in-charge of a police station cannot be delegated but a superior officer of that police station and no other can exercise such power in view of Section 36 of Cr.P.C. (refer

Judgment of the Apex Court in State of Bihar and another vs Lalu Singh (2014) 1 SCC 663)

30. The Hon'ble Apex Court while considering the question whether a charge-sheet filed by an officer of CID would stand vitiated or not in the case of Tofan Singh vs State of Tamilnadu, [(2021) 4 SCC 1, held as follows:-

"19. It is also important to note that in Balkishan A. Devidayal [(1980) 4 SCC 600], these judgments were referred to, and the Court then concluded:

"70. To sum up, only a person against whom a formal accusation of the commission of an offence has been made can be a person "accused of an offence" within the meaning of Article 20(3). Such formal accusation may be specifically made against him in an FIR or a formal complaint or any other formal document or notice served on that person, which ordinarily results in his prosecution in court. In the instant case no such formal accusation had been made against the appellant when his statement(s) in question were recorded by the RPF officer."

31. On a coalesce of the above, it is evident that a police report must be filed by an officer in-charge of a police station and such police station should be declared by the State Government by general or special orders. However, in the present case, there is no shred of evidence to indicate that the SIT was

declared as a police station and the officer who filed the charge-sheet was the Chief Investigation Officer of SIT and not an "officer in charge of a police station" and therefore, fell foul of the requirement under Section 173(2) of Cr.P.C. The notification of the State Government declaring the office of Superintendent of Police, Police wing, Karnataka Lokayukta, City Division, Bengaluru, as a police station, stood revived in view of the Judgment of the Division Bench of this Court and therefore, it was for the Superintendent of Police, Police wing, Karnataka Lokayukta, City Division, Bengaluru, to file the final report under Section 173(2) of Cr.P.C. This being a mere irregularity cannot vitiate the proceedings and the accused Nos.2 and 3 cannot be discharged on this ground.

27. The learned Senior Counsel has has relied upon another judgment of Hon'ble Apex Court reported in **2022 SCC OnLine SC 752 (xxxx Appellant(s) Vs. State of Uttarkhand and another).**

28. That apart the learned Senior counsel has also relied upon the judgment of Hon'ble High Court of Karnataka in **Crl.R.P.No.638/2016 dated 29.12.2021 (Smt.Premalatha Diwakar Vs. State of Karnataka and others)** wherein it has been held as:

"38. The issue with regard to an officer of Crime Investigation Branch (CID) could be treated as an Officer in-charge of a Police Station has been dealt in detail by the co-ordinate bench of this Court by considering the arguments put forth on behalf of parties and recorded a categorical finding that an officer of CID cannot be construed as an Officer in-charge of Police Station as is found in Section 173 of the Cr.PC., In order to avoid repetition and for the sake of brevity, this Court is not re-iterating the same reasons in this Revision Petition.

39. The contention urged on behalf of the State and the view taken by the co-ordinate bench of this Court will have far reaching consequences alone cannot be a ground to take altogether different view. It is also pertinent to note that the State in a similar situation has notified CCB as a Police Station. Therefore, nothing prevented the State to issue similar notification in respect of the CID.

40. In view of the foregoing discussion, this court is of the considered opinion that the arguments put forth on behalf of the second respondent that the charge sheet filed by the Head of the investigation team of the CID before the jurisdictional Magistrate, is not a charge sheet in the eye of law as it is not filed by the Officer in-charge of a Police Station is to be accepted.

41. If the charge sheet is filed by a

person who is not the authorised person to file a final report as is contemplated under Section 173 of Cr.P.C., the entire proceedings would definitely stands vitiated. Consequently, the further proceedings in pursuance of the said charge sheet is to be declared as non est.

42. However, there is some force with regard to the operative portion of the impugned order in as much as while considering the application filed under Section 227 of Cr.PC., the learned Trial Judge ought not to have acquitted the accused. Since, the entire charge sheet stood vitiated and the proceedings in furtherance to such a charge sheet has been held as non est, there is no necessity for this court to consider the argument on behalf of the victim in this regard any further. For the sake of un-ambiguity, it is made clear that the impugned order being non est has no consequence whatsoever in law."

29. Per contra the learned Special Public Prosecutor has Sri Ashok Naik and Sri Jagadish B.N. have brought to the notice of this court that the aforesaid judgment has been stayed by the Hon'ble Apex Court. The learned SPP in order to buttress his argument has pointed out to the Government Notification which has been issued with respect to constituting of SIT.

30. On perusal of the entire materials the admitted fact is that the final report can be filed only by Officer In charge of the police station. Admittedly, in the instant case when the notification was issued SIT was not termed as a police station nor it was given the status of police station. However, it is noticed that as per the initial notification issued by the Government, though the initial investigation was entrusted to SIT which was carved out of the Investigating Agency of CID. Though the learned Senior Counsel has vehemently argued that mere deputation of officials from CID would not construe the SIT as a police station, it is relevant to note that as per the notification issued by the Government of Karnataka bearing No.HD 51/CID/2-24 dated 28.4.2024 constituted a Special Investigation Team to be carved out of Criminal Investigation Department (CID for short) to investigate the allegations of sexual offences against the accused and related crimes. Now it is relevant to look into the notification which has declared CID in to a police station. At the cost of repetition, it is to be noted that earlier CID was not declared as police station. Thereafter as per

notification No.HD/94/POP/2023 dated 12.1.2024 the CID was declared to be a police station and it was further clarified that it was an unit of Karnataka Police Department as a police for the entire State of Karnataka. For the sake of convenience the notification is herewith extracted which reads as:

> ***"The Police Inspector rank officer of the Criminal Investigation Department (CID) will be the Station House Officer and Officer in-charge of the Police Station for the purpose of provisions of the Code of Criminal Procedure, 1973 (Central Act No.2 of 1974) relating to the cases referred by the Government of Karnataka, the Supreme Court or the High Court or the Director General & Inspector General of Police, Karnataka State for the purpose of investigation and to register criminal cases in cognizable offences made out of enquiries entrusted to Criminal Investigation Department (CID) by the Government of Karnataka, the Supreme Court of India or the High Copurt or the Director General & Inspector General of Police, Karnataka State."***

31. The aforesaid notification would clarify that

though the a Special Investigation Team is to be carved out of CID, the same would be part of CID and in fact the submission of the learned SPP with respect to the same in the judgment rendered by the Hon'ble High court in **Crl.P.No.1724/2025 dated 7.3.2025 (Munirathna Vs. State of Karnataka and others)** is to be considered, wherein it has been held as:

> "12. The second part of the submission is that SIT is directed to furnish its report to the Government and not before Court of law, therefore, it is vitiated or investigation gets vitiated. This submission is again unacceptable as, considering an identical circumstance, the coordinate Bench in IDEYA VENDAN supra has held as follows:
>
> ".... ....
>
> **36) As noticed supra, it is the contention of the learned counsel appearing for the petitioners that CID Police had no jurisdiction to file the charge sheet before the jurisdictional Magistrate since they were directed by the Government to submit a report to the Government, as such, the charge sheets filed are without jurisdiction. I find no substance in this contention. The Government in exercise of its power of superintendence over the Police Force and having regard to the seriousness of the allegations made involving huge sums of public money, transferred the investigation to CID Police. Of course, in the**

notification, the CID was directed to complete the investigation at an early date and take steps to submit the report to the Government. This direction in my considered opinion, does not come in the way of the power of the CID Police as officers-in-charge of the police station to file final report in terms of Section 173(2) of Cr.P.C. on completion of investigation. The Government notification does not preclude the CID Police from exercising the power vested in the Investigating Officer to file final report under Section 173(2) of Cr.P.C. to the jurisdictional court. In every case registered in respect of cognizable offences under Section 154 of Cr.P.C., the officer-in-charge of the police station having jurisdiction to investigate, is empowered to proceed with the investigation and on completion of investigation to form opinion as to whether on the materials collected, there is a case to place the accused before the Magistrate for trial and if so, to take necessary steps for the same by filing a charge sheet under Section 173(2) of Cr.P.C. The Apex Court in Ashok Kumar Todi's case referred to supra, in Paragraph-49 has set-out various steps contemplated by Code of Criminal Procedure to be carried-out during investigation, which reads as under:-

49. The Code contemplates the following steps to be carried-out during such investigation:-

i) proceeding to the spot;

ii) ascertainment of the facts and circumstances of the case;

iii) discovery and arrest of the suspected offender;

iv) collection of evidence relating to the commission of the offence which may consist of-

a) The examination of various persons (including the accused) and the reduction of their statements into writing, if the officer thinks fit,

b) The search of places or seizure of things considered necessary for the investigation and to be produced at the trial; and

v) formation of opinion as to whether on the material collected there is a case to place the accused before a Magistrate for trial and, if so, to take necessary steps for the same by filing of charge sheet under Section 173."

Therefore, in the light of the above, it cannot be said that the CID Police had no competence to file charge sheet under Section 173(2) of Cr.P.C. Having regard to the fact that the Government transferred the investigation to CID police, the CID police assumed the status of officer-in-charge of the police empowered to take all necessary steps as contemplated by the Code regarding investigation of the case including the power to form final opinion and to place the charge sheet before the jurisdictional court. **Merely because, in the notification issued by the Government, CID was directed to submit a report to the Government, it cannot be interpreted that the CID police had no**

jurisdiction to file the charge sheet in terms of Section 173(2) of Cr.P.C.. The direction so contained in notification will have to be construed as a direction to CID to submit a status report to the Government as to the action taken by it in respect of the investigation of the case entrusted to it. In this view of the matter, I find no substance in the said contention and accordingly, it is rejected." (Emphasis supplied)

The coordinate bench holds that merely because an order constituting SIT of the CID and directing submission of the report to the Government would not mean that it would get vitiated. The CID would also have power to file it before the concerned Court. This submission also is steered clear by the very Notification declaring the CID to be a police station. The Notification dated 12-01-2024 reads as follows:

"GOVERNMENT OF KARNATAKA

No.HD/94/POP/2023 Karnataka Government Secretariat
Vidhana Soudha,
Bangalore, dated 12-01-2024.

NOTIFICATION

In exercise of the powers conferred by clause (s) of Section 2 of the Code of Criminal Procedure, 1973 (Central Act- 2 of 1974), and in supersession of earlier order or notification issued in this regard, the Criminal Investigation Department (CID) an unit of Karnataka Police Department is declared and notified as police station for the entire territory of the State of Karnataka.

The Police Inspector rank officer of the Criminal Investigation Department (CID) will be the Station

House Officer and Officer in-charge of Police Station for the purpose of provisions of the Code of Criminal Procedure 1973 (Central Act-2 of 1974) relating to the criminal cases referred by the Government of Karnataka, the Supreme Court or the High Court or the Director General and Inspector general of Police, Karnataka State for the purpose of investigation and to register criminal cases in cognizable offences made out of enquiries to the Criminal Investigation Department (CID) by the Government of Karnataka, the Supreme Court of India or the High Court or the Director General and Inspector General of Police, Karnataka State.

By order and in the name of the
Governor of Karnataka,
Sd/-
(K.N.VANAJA), 12/1/24
Under Secretary to Government,
Home Department (Police Expenditure)."

In the light of the judgment and the notification supra the second submission that the Government order runs contrary to law is unacceptable. I find no merit in the submission as, on and from 12-01-2024, CID is declared to be the police station. The said ground also tumbles down. In all, the petition is meritless. It being meritless, should necessarily meet its rejection.

Petition accordingly stands rejected. Interim order, if any operating, shall stand dissolved."

32. I have also considered the authority of the Hon'ble Apex Court reported in the judgment of **1960 SCC OnLine SC 122 (R.P.Kapoor and others Vs. Sardar Pratapsing Kairon and others)** wherein a very similar question of law was raised. In the aforesaid judgment it

has been held by the hon'ble Apex Court as:

> ***10. We are unable to accept these contentions as correct. First of all, Section 154 of the Code of Criminal Procedure, does not say that an information of a cognizable offence can only be made to an officer in charge of a police station. That section merely lays down, inter alia, that every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a police station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information shall be signed by the person giving it and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in that behalf. Section 156 gives power to an officer in charge of a police station to investigate without the order of a Magistrate any cognizable case which a court, having jurisdiction in the local area etc. would have power to inquire into or try; sub-section (2) of Section 156 lays down that no proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate. There has been some argument before us as to the meaning of the expression "any such case" occurring in sub-section (2) of Section 156. As we are not resting our decision on sub-section (2) of Section 156 of the Code of Criminal Procedure, we consider it unnecessary to embark upon a discussion as to the true scope and effect of sub-section (2) of Section 156. Section 157 of the Criminal Procedure Code lays down the procedure which an officer in charge of a police station must follow where information of a cognizable offence is made. Now, there is another important provision in the Code which is of great relevance in this case***

and must be read. That provision is contained in Section 551 which is in these terms:

"551. Police officers superior in rank to an officer in charge of a police station may exercise the same powers, throughout the local area to which they are appointed, as may be exercised by such officer within the limits of his station."

The Additional Inspector General of Police to whom Sethi's complaint was sent was, without doubt, a police officer superior in rank to an officer in charge of a police station. Sardar Hardayal Singh, Deputy Superintendent of Police, CID, Amritsar, was also an officer superior in rank to an officer in charge of a police station. Both these officers could, therefore, exercise the powers, throughout the local area to which they were appointed, as might be exercised by an officer in charge of a police station within the limits of his police station. It is not disputed that the jurisdictional area of the Additional Inspector General of Police was the whole of the State. As to the jurisdictional area of the Deputy Superintendent of Police, CID, the contention on behalf of the respondent State is that though he was posted at Amritsar, his jurisdictional area extended over the whole State. The learned Advocate-General for the respondent State has drawn our attention to Police Rule 21.28 in the Punjab Police Rules, 1934, Vol. III, issued by and with the authority of the State Government under Sections 7 and 12 of the Police Act (5 of 1861). That rule lays down that the Criminal Investigation Department has no separate jurisdiction and the Deputy Inspector General of Police, Criminal Investigation Department, may decide to take over the control of any particular investigation himself or depute one or more of his officers to work directly under the control of the Superintendent of Police of the district.

Police Rule 21.32 enumerates some of the cases in which the assistance of the Criminal Investigation Department may be sought. Police Rule 25.14 says that the Criminal Investigation Department is able to obtain expert technical assistance, and in cases where such assistance is required the assistance of the Criminal Investigation Department may be obtained. In the affidavit made by Sardar Hardayal Singh, he has stated that he was entrusted with the investigation of Sethi case because of its technical nature and also because his sphere of duty as a Gazetted Officer attached to the Criminal Investigation Department was the whole of the State in view of the Memorandum No. 9581-H-51/7912 dated October 26, 1951. That memorandum shows that the Deputy Inspector General, CID and all gazetted officers of the Criminal Investigation Department have jurisdiction extending over the whole of the Punjab State. This is also supported by the affidavit made by Shamshere Singh, Additional Inspector General of Police learned counsel for the petitioners has pointed out that Sethi case involved no technical questions and the ground stated in the affidavits of Shamshere Singh and Sardar Hardayal Singh is not, therefore, correct. The question before us is not whether the reason for which the investigation was made over to Sardar Hardayal Singh is correct or not. The question before us is, whether in making over the investigation to Sardar Hardayal Singh a special procedure unknown to law was adopted or the law as to the investigation of cases was administered with an evil eye or unequal hand. If the police officer concerned thought that the case should be investigated by the CID — even though for a reason which does not appeal to us — it cannot be said that the procedure adopted was illegal. We are unable to agree with learned counsel for the petitioners that any of these two contentions has been made out in the present

case. We are satisfied that the Inspector General of Police, CID had power to deal with Sethi's complaint and had further power to direct investigation of the same by Sardar Hardayal Singh who as a police officer superior in rank to an officer incharge of a police station could exercise powers of an officer in charge of a police station in respect of the same. It cannot, therefore, be said that the procedure adopted was unknown to law. Nor are we satisfied that the procedure adopted was motivated by any evil purpose, though we are not quite impressed by the reason given by Shamshere Singh or Sardar Hardayal Singh that Sethi case was of a technical nature and, therefore, required the assistance of the CID. Even if it was not of a technical nature, it was open to the Additional Inspector General of Police to make over the investigation to a Deputy Superintendent of Police in view of the status of the petitioners. In para 31 of his affidavit A.N. Kashyap, Home Secretary, has said that the Inspector General of Police on receiving the complaint from Sethi ordered on his own the registration of the case without any order or direction from the Chief Minister. The correctness of this statement has been very seriously commented on. In the absence of any affidavit from the Chief Minister and of the original complaint, we have preferred to proceed in this case on the footing that the Additional Inspector General of Police got the complaint from the Chief Minister and then passed necessary orders thereon. Even on that footing we are unable to hold that there has been any violation of legal procedure or that an unfair discrimination has been made against the petitioners.

11. learned counsel for the petitioners has relied on certain observations made by this Court in H.N. Rishbud and Inder Singh v. State of Delhi [(1955) (1) SCR 1150] . The observations

occur at p. 1160 of the report and are to the effect that it is of considerable importance to an accused person that the evidence collected against him during investigation is collected under the responsibility of an authorised and competent investigating officer. These observations were made in a case where the question that fell for decision was whether the provisions in Section 5(4) and the proviso to Section 3 of the Prevention of Corruption Act, 1947 (Act 2 of 1947) and the corresponding Section 5-A of the Prevention of Corruption (Second Amendent) Act, 1952 (Act 59 of 1952), were mandatory or not. It was held that they were mandatory and an investigation conducted in violation thereof was illegal. It was also held that an illegality committed in the course of an investigation did not affect the competence and jurisdiction of the Court for trial; but if any breach of the mandatory pro visions relating to investigation were brought to the notice of the Court at an early stage of the trial, the Court would have to consider the nature and extent of the violation and pass appropriate orders for such reinvestigation as might be called for. We do not think that the observations made and the decision are of any assistance to the petitioners. We have held that there has been no violation of any mandatory provisions as to investigation in Sethi case against the petitioners and the investigation procedure followed is legal. Our attention has been drawn to King Emperor v. Nilkantha [ILR 35 Mad 247] . On a certificate by the Advocate-General, the case was considered by a Full Bench of the Madras High Court and one of the questions for decision was— "Is an Inspector of the Criminal Investigation Department an authority legally competent to investigate the facts within the meaning of Section 157, Evidence Act?" The question was answered in the affirmative by the majority of Judges, Abdul Rahim, J., and Sundara Ayyar, J., dissenting. In the course of

the arguments before Their Lordships, one of the questions mooted was whether Inspectors of the Criminal Investigation Department were appointed to any local area within the purview of Section 551 of the Code of Criminal Procedure. Some of the Judges held that the whole Presidency was their local area; some held that that was not so. On the materials before us, we have no hesitation in holding that the Deputy Superintendent of Police entrusted with the investigation of Sethi case had the necessary authority to hold the investigation. The decision in Pulin Bihari Ghosh v. King [ILR I Cal 124] on which also some reliance has been placed does not appear to us to be in point : that was a case in which the Magistrate purported to act both under Section 202 and Section 156(3) of the Code of Criminal Procedure, and it was held that proceedings under Section 202 and investigation under Section 156(3) could not proceed simultaneously; it was further held that a direction under Section 156(3) could only be made to an officer in charge of a police station. No question arose there of the exercise of powers under Section 551 of the Code of Criminal Procedure, and the decision does not establish what the petitioners are seeking to establish in the present case. More in point is the decision in Textile Traders Syndicate Ltd. v. State of U.P. [AIR 1959 All 337] where it was held that an Inspector of Police in the Criminal Investigation Department was superior in rank to that of an officer in charge of a police station and under Section 551 of the Code of Criminal Procedure, he could exercise the powers of an officer in charge of a police station throughout the State.

33. Once again, the aforesaid judgment was relied upon the Hon'ble High Court of Kerala in the judgment

reported in 2024 SCC OnLine Ker 853 (Grishma and others Vs. State of Kerala) wherein a similar question of law was raised and in that judgment, it has been held as:

> ***11. Viewed in the above perspective, the order of the District Police Chief of Thiruvananthapuram Rural dated 29.10.2022 entrusting investigation to a special investigation team and the subsequent order dated 04.01.2023 appointing Sri. V.T. Rasith, Dy.S.P., Crime Branch, Thiruvananthapuram Rural, as the head of the investigation team cannot be said to be contrary to law. Therefore, the Dy.S.P., Crime Branch, Thiruvananthapuram Rural - head of the investigation team, in the instant case, was a superior officer to the station house officer, Parassala, which is within the jurisdiction of Thiruvananthapuram Rural.***
>
> ***12. The question that remains to be considered is whether the Deputy Superintendent of Police, who was authorised specially to investigate the case, was legally empowered to submit the final report. For the purpose of considering the above question, it is necessary to extract sections 173(2) and 173(3) of Cr. P.C., which reads as below:***
>
> ***"173. Report of police officer on completion of investigation.***
>
> ***(2) (i) As soon as it is completed, the officer-in-charge of the police station shall forward to a Magistrate empowered to take cognizance of the offence on a police report, a report in the form prescribed by the State Government, stating—***

xxx

(3) Where a superior officer of police has been appointed under section 158, the report shall, in any case in which the State Government by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer-in-charge of the police station to make further investigation."

13. In this context, a Government Order dated 17.06.2014 numbered as G.O.(MS) No. 124/2014/O was handed over across the Bar. It is a general order revamping and strengthening the crime detachment units in the State and creating a specialised district-level investigative wing to help the investigation in sensational cases at the district level. The said Government Order indicates that the crime detachment units have been redesignated as District Crime Branch for investigating sensational cases. The order empowers the District Police Chief or other superior officers to transfer the investigation of cases to the District Crime Branch and also to entrust the investigation with officers specially chosen by the District Police Chief. On a perusal of the general order of the Government creating the District Crime Branch and the order of the District Police Chief (Rural) dated 04.01.2023, it is evident that the requirement contemplated under section 173(3) Cr. P.C. in respect of general or special order has been complied with. Viewed in the above perspective, the filing of the final report by the head of the special investigation team, i.e., Sri. V.T. Rasith, Dy.S.P., Crime Branch, Thiruvananthapuram Rural, cannot be found to be faulty in the circumstances of the case.

14. In the judgment of the Karnataka High Court in N. Narasimha Murthy v. State of

Karnataka (Crl.R.P. No. 250/2022), it was observed that it is indisputable that a final report under section 173(2) of Cr. P.C. should be filed only by an officer in charge of a police station, and this power of filing a report cannot be delegated. A perusal of the aforesaid judgment indicates that the court had finally come to the conclusion that the failure to file the final report by the officer in charge of a police station is only an irregularity, which will not vitiate the proceedings and the accused cannot be discharged on that ground. It was also observed that such an irregularity is only a curable defect, and the chargesheet can be returned with liberty to the police to file the final report in accordance with law. In the said judgment, there is, in fact, an observation in paragraph 29 that "this power of filing a report by the officer-in-charge of a police station cannot be delegated but a superior officer of that police station and no other can exercise such power in view of section 36 of Cr. P.C.". Factually, the said Court had found that the officer who filed the report, in that case, was not the superior officer. The situation is different in the present case.

15. In this context, the decision of the Supreme Court in State of Bihar v. Lalu Singh [(2014) 1 SCC 663] is relevant. In the aforesaid case, while the investigation was being carried out by the officer in charge of a police station, the Director General of Police entrusted the investigation to the Criminal Investigation Department (CID) and the task of conducting the investigation was assigned to an Inspector, who after completion of investigation submitted the charge. The accused against whom the charge sheet was filed challenged the same before the High Court, which held that the chargesheet could have been filed only by the officer in charge of a police station. However, the Supreme Court had, after analysing the

provisions of the Cr. P.C. and the Bihar Police Manual, concluded that as per section 36 of Cr. P.C., Inspectors and superior officers of the CID are superior in rank to an officer in charge of a police station. It was held as follows:

> ***"12. Here, in the present case, as stated earlier, the investigation was conducted by the Inspector of CID and it is he who had submitted the report in terms of section 173 of the Code. In view of what we have observed above, the Inspector of CID can exercise the power of an officer-in-charge of a police station and once it is held so, its natural corollary is that the Inspector of CID is competent to submit the report as contemplated under section 173 of the Code. The case in hand is not one of those cases where the officer-in-charge of the police station had deputed the Inspector of CID to conduct some steps necessary during the course of investigation. Rather, in the present case, the investigation itself was entrusted to the Inspector of CID by the order of the Director General of Police. In such circumstances, in our opinion, it shall not be necessary for the officer-in-charge of the police station to submit the report under 173(2) of the Code. The formation of an opinion as to whether or not there is a case to forward the accused for trial shall always be with the officer-in-charge of the police station or the officers superior in rank to them, but in a case investigated by the inspector of CID, all these powers have to be performed by the Inspector himself or the officer superior to him. In view of what we have discussed above, the observations made by the High Court in the impugned judgment is erroneous and deserve to be set aside"***

34. No doubt the learned Senior Counsel has argued that when there is a direct judgment of our own

Hon'ble High Court the question of placing reliance on the other High Court does not arise. It is to be appreciated that the aforesaid judgment of Hon'ble High Court of Kerala is based upon the dictum of Hon'ble Apex Court reported **(2014) 1 SCC 663 (State of Bihar v. Lalu Singh)** wherein it has been held that the investigation is not vitiated merely because DG and IG had entrusted investigation to Inspector not within the ranks of CID who later on placed the final report. The Hon'ble Apex Court had held that the filing of the final report was not vitiated. Even otherwise the judgment on which reliance has been placed in the aforesaid case of Manjunath Hebbar's case mentioned supra is also appreciated and it is relevant to note that the same has not reached finality since the matter is now pending before the Hon'ble Apex Court. Though a serious argument is canvased with respect to the stay by the Hon'ble Apex Court it is relevant to note the interim order passed by the Hon'ble Apex Court on 1.4.2022 wherein it has been narrated as par-14 to 20 of the impugned order is stayed until further orders. Further the ratio laid down in the judgment of Hon'ble High Court is clear in this regard

in **Crl.P.No.1754/2025 dated 7.3.2025 (Munirathna Vs. State of Karnataka and others)** clearly clarifies the position of law in this regard. Hence the submission in this regard by the accused cannot be accepted. Further on perusal of final report it is noticed that there are sufficient materials to frame charges against the accused person and accordingly, the point for consideration is answered in the **Negative**.

35. **Point No.2**: In view of my answer to point No.1, I proceed to pass the following:

ORDER

The application filed by the accused Mr. Prajwal Revanna under Sec.227 of the Code of Criminal Procedure, 1973 is hereby dismissed by holding that there are sufficient materials to frame charges against him.

(Order Dictated to the Stenographer Grade-I, transcribed by him, revised and corrected by me and then pronounced in open court on this the 3rd day of April, 2025)

SANTHOSHGAJANANABHAT

Digitally signed by SANTHOSHGAJANANABHAT
Date: 2025.04.03 16:53:00 +0530

(Santhosh Gajanan Bhat)
LXXXI Addl. City Civil & Sessions Judge,
Bengaluru City (CCH-82)
(Special Court exclusively to deal with criminal cases related to former and elected MPs/MLAs in the State of Karnataka)