



CNR: KAHC010242422023

NC: 2026:KHC:49150
WP No. 10693 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 10693 OF 2023 (GM-RES)

R

BETWEEN:

SHRI C SWAMY,
S/O LATE ANANDAIAH
AGED ABOUT 58 YEARS,
WORKING AS PORT OFFICER
OLD MANGALORE PORT
BUNDAR ROAD, MANGALORE
R/AT NO. 86-A, KHB COLONY
5th BLOCK KORAMANGALA
BANGALORE - 560 095

...PETITIONER

(BY SRI. VIJAYA KUMAR V. BAJANTRI, ADVOCATE)

AND:

1. THE CENTRAL BUREAU OF INVESTIGATION,
REPRESENTED BY ADDITIONAL
SUPERINTENDENT OF POLICE
BS AND FC
BANGALORE - 560 009

2. THE SUPERINTENDENT OF POLICE
HEAD OF BRANCH CBI,
ACB, BANGALORE - 560 009

...RESPONDENTS

(BY SRI. PRASANNA KUMAR P., ADVOCATE FOR R1 AND R2)





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THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH SECTION 482 OF CR.P.C. PRAYING TO CALL FOR RECORDS RELATING TO ISSUE OF THE IMPUGNED CHARGE SHEET DATED 16.11.2013 IN SPL.C.C. NO. 268/2013 ON THE FILE OF THE 32ND ADDL. CITY CIVIL SESSIONS AND SPL. JUDGE, CBI, AT BANGALORE VIDE ANNEX-A AND AFTER PERUSAL SET ASIDE THE SAME IN SO FAR AS IT RELATES TO THE PETITIONER.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. Heard Sri. Vijay Kumar V. Bajantri, learned counsel for the petitioner and Sri. P. Prasanna Kumar, learned counsel for the respondents.
2. This petition is filed under Articles 226 and 227 of the Constitution of India read with Section 482 of Cr.P.C with the following prayer:
 - i. To call for records relating to issue of the impugned charge sheet dated 16.11.2013 in Spl.C.C.No.268/2013 on the file of the 32nd Additional City Civil Sessions and Special Judge,*



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CBI, at Bangalore vide Annexure-A and after perusal set aside the same, in so far as it relates to the petitioner.

ii. Grant such other relief/s as this Hon'ble Court deems fit in the facts and circumstances of the case.

3. Having heard the arguments of both sides, this court noted that the main grievance of the petitioner is that the right to speedy trial is not adhered to, and unnecessarily the case is pending from the year 2013. As such, direction is sought for to quash the charge sheet on account of the inordinate delay in concluding the trial.
4. Sri. P. Prasanna Kumar, learned counsel for the CBI, however contends that the delay is not attributable to the prosecuting agency alone. He would also contend that contentions heard on behalf of the petitioner are incorrect.
5. In response to the same, learned counsel for the petitioner would contend that the petitioner was



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always ready and willing to cooperate with the earlier trial all along and no delay can be attributed to the conduct of the petitioner in the case on hand and delay in concluding the trial has taken away the right of speedy trial of the petitioner and does not prolong the petition.

6. On enquiry, Sri. P. Prasanna Kumar would submit that already 54 witnesses have been examined and an endeavour will be made to conclude the trial within a period of three months from today, subject to co-operation from the petitioner.
7. This court also took note of the fact that the provisions mentioned in 294(3) of the Code of Criminal Procedure ('Cr.P.C.' for short) which is corresponding to Section 330(3) of the Bharatiya Nagarik Suraksha Sanhita ('BNSS' for short), 2023, is hardly made use of the parties.



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8. In almost all trials especially in CBI cases where voluminous documents are placed on record to establish the case of the prosecution. Many times the voluminous documents contain some documents for which there cannot be any dispute as to its genuineness and for placing those documents or exhibits have to be marked in the case, witnesses are to be called and they need to be examined formally.
9. To obviate such procedural formalities, compliance under Section 207 of Cr.P.C corresponding to Section 230 of BNSS, where the police instituted cases are there and where the cases are pending on account of private complaint converted into regular trials, compliance of Section 208 of Cr.P.C and Section 231 of BNSS is made mandatory.



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10. It is the experience of this court that provisions of Section 294(3) of Cr.P.C corresponding to Section 330(3) of BNSS is hardly put to use.
11. Therefore, it is just and necessary for this Court to direct all the trial judges to adhere to the mandate in Section 294(3) of Cr.P.C, corresponding to Section 330(3) of BNSS, in all pending trials.
12. In fact, such an exercise shall be carried out at the commencement of the trial itself, so that the documents which are not disputed by the accused party can be marked by consent of both the parties, which would facilitate the prosecution to drop good number of witnesses, which will further ensure the laudable object of the Constitution of India namely speedy trial which is also recognized as fundamental right.
13. Hence, in the case on hand, granting time till the end of December 2026 to conclude the trial and directing



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that any documents which are not disputed by the accused shall be marked by consent and allowing corresponding such witnesses can be dropped, the matter can be disposed of.

14. Hence, the following:

ORDER

- i. The writ petition stands ***disposed of***.
- ii. Time is granted for the learned trial judge to conclude the trial in Spl.C.C.No. 268/2013 till the end of December 2026.
- iii. Needless to emphasize that parties shall cooperate for the early disposal of the case, including admitting the documents and marking the documents which are not in dispute about its genuineness by consent and dropping unnecessary witnesses.



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- iv. A copy of this order shall be circulated to all the District Judiciary through the learned Principal District Judges and the Karnataka Judicial Academy, after obtaining the necessary approval from the Hon'ble Chief Justice of the High Court of Karnataka.

**Sd/-
(V SRISHANANDA)
JUDGE**

SKS