

IN THE COURT OF THE XLII ACJM, AT BENGALURU

***Present: Shri. K.N. SHIVAKUMAR, B.Sc.(Agri), L.L.M.,
Senior Civil Judge & JMFC***

Dated this the 13th day of October, 2025

C.C.No.26463/2024

ACCUSED : 1. Sri.H.D. Revanna
S/o. H.D. Devegowda

2. Satish Babu H.N. @
Satish Babanna
S/o. Late. Narasimhegowda

3. Sujay
S/o. Late Kuberegowda

4. Madhu H.N
S/o. Narayanagowda

5. Manugowda H.D
S/o. Devarasegowda

6. S.T. Kirthi
S/o. S.A. Tammaiah

7. K.A. Rajgopal.
Late. Iyyanna

8. Bhavani Revanna
W/o. H.D. Revanna

9. Ajith Kumar
S/o. M.J. Devaraje Gowda

**ORDER ON DISCHARGE APPLICATIONS UNDER
SECTION 239 OF CR.P.C**

The advocates for accused No.7 & accused No.8 have filed these applications under Section 239 of Cr.P.C seeking discharge of the accused No.7 & 8 from the offences alleged against them in this case.

2. The Ld.Sp.PP for the complainant has filed objections to applications.

3. Heard counsel for the accused No.8 and Sri. Ashok N. Naik, the Ld.Spl.PP for the complainant – SIT, CID Bengaluru. Perused the applications, objections and the records. The counsel for accused No.7 did not turn up and made any submission in support of the application filed by accused No.7.

4. The accused No.7 in his application seeking discharge from the offences alleged against him in this case U/Sec.365, 368, 109, 120B R/w Sec.34 of IPC on the ground that, as this accused No.7 did not abide to the legal demands of police, he has been arrayed as an accused in this case on untenable grounds. There are no evidences against this accused in the entire charge-sheet. None of the digital evidences make

out the offence against the accused No.7. Further the charge-sheet filed by the I.O is contrary to law and mandate of the Government order dated: 28/04/2024, because the Special Investigation Team ('SIT' in short) is not a police station and as such the I.O cannot file charge-sheet or final report, which is contrary to Sec.173(2) of Cr.P.C., 1973. On all these grounds, he prays for his discharge from the alleged offences.

5. On the other hand, Ld.Spl.PP objected the application on the ground that, the accused No.7 himself voluntarily confessed as to commission of alleged offences. The evidences like, the DNA report of hairs of victim collected from the place of accused No.7 clearly establish his involvement in the commission of alleged offences. More so, the statement of witnesses who were laborers working in the said farm house of this accused No. 7 also establish the case of the prosecution as to the involvement of this accused No.7 in the conspiracy of committing alleged offences. Further, the evidences like Mobile call records including series data from the mobile numbers associated with this accused No.7 would substantiate his

connection with other accused in commission of alleged offences. Thus, there are sufficient documentary & electronic evidences in the charge-sheet which would establish involvement of this accused in commission of alleged offences and also demonstrate alleged conspiracy for commission of alleged offences. Therefore, this accused is not entitled for discharge and as such the application may be rejected.

6. The accused No.8 is seeking discharge from the offences alleged against her in this case U/Sec. 365, 506, 504, 201, 109, 120B R/w Sec.34 of IPC, on the ground that though her name was not there in either the complaint lodged by CW1 or in the FIR registered by K.R. Nagar police on 02/05/2024, the I.O, SIT, CID while filing the charge-sheet falsely implicated this accused. This accused No.8 is innocent of alleged offences and the charge against her is groundless and unsustainable on facts as well as law. The alleged acts of this accused No.8 as alleged in the charge-sheet would not make out ingredients of any of said offences and the charge-sheet is filed against this accused by the I.O on the basis of several conjectures and surmises. Further the

charge-sheet filed by the I.O is contrary to law and mandate of the Government order dated: 28/04/2024, because the Special Investigation Team ('SIT' in short) is not a police station and as such the IO cannot file charge-sheet or final report, which is contrary to Sec.173(2) of Cr.P.C., 1973. On all these grounds, she prays for her discharge from the alleged offences.

7. On the other hand Ld.Spl.PP objected the application on the ground that, the evidences collected by the I.O in the course of investigation fulfill the ingredients of alleged offences against this accused including an offence punishable U/sec.364A of IPC, for which cognizance was not taken by this court. Though cognizance was not taken, there is no bar to consider the same at the stage of hearing before charge and framing of charge or to commit the case for trial, if the materials in the charge-sheet satisfy ingredients of said Sec.364A of IPC. In support of his arguments, he has relied on the decision of **Hon'ble Apex court** in the case of **Shaik Ahmed V/s State of Telangana**, reported in **2021 (3) Supreme 631**. Further, he argued that, the charge-sheet materials prima-facie reveal the role

of this accused No.8 in perpetration of alleged offence of abduction and the motive behind the same. There are sufficient material to show that the mother of complainant was abducted by means of enticement, fraudulent misrepresentation through accused No.2 at the instance of this accused No.8. There are sufficient materials to make out alleged conspiracy among all the accused including this accused No.8 to commit alleged offence of kidnapping the victim – CW2. More so, there are direct and indirect evidences as to the abuse, threat & apprehension caused by the accused No.8 to the victim – CW2 in the course of alleged abduction. Further, while the victim was captived in the farm house of accused No.7, the accused No.9 as per the instruction of accused No.8 video recorded a false statement from the victim – CW2 by putting pressure on her and on their dictation to say that she was not kidnapped or abused by anybody so as to mislead the investigation. The CW2 being a victim in her statement U/Sec.161 of Cr.P.C., & also U/Sec.164 of Cr.P.C., also provides a comprehensive account regarding her abduction and involvement of this accused No.8 in

commission of alleged offences. Thus, there are sufficient materials in the charge-sheet like oral, documentary as well as digital evidences to charge the accused No.8 for the alleged offences. As such, she is not entitled for discharge. Hence, prayed to reject the application.

8. Upon hearing both side and perusal of the records, it appears proper to state the facts of the case in brief before going to discuss on the merits of the application. It is the specific case of the complainant that, during the General Lok Sabha Election, photos and videos of sex scam purported to be of Mr. Prajwal Revanna, the candidate for the Hassan Lok Sabha Constituency and the sitting Member of Parliament, went viral on April 21st 2024. The parents of said Prajwal Revanna i.e., Accused 1-H.D. Revanna and A8 Bhavani Revanna came to know about this. One of the victimized women, the mother of the Complainant, was from KR Nagar Taluk, Hebbalu village. This victim, who was a worker in the farmlands of Suraj Revanna (brother of Prajwal Revanna) in the Gannikada farmlands was introduced to and joined by A2 - Satish Babanna. The victim had been working for about four years on the

Gannikada plantation, and the said woman used to work as a laborer staying in the house meant for workers. In this background the parents of said Prajwal Revanna apprehended that the victim of this case might file a complaint with the police against Prajwal Revanna for committing sexual assault against her. They were concerned that if the victim disclosed the rape incident to others, it could adversely affect Prajwal Revanna's election results in the Lok Sabha elections scheduled for April 26, 2024. Further, accused 1- H. D. Revanna and accused 8- Bhavani Revanna, along with accused 2- Satish Babanna, hatched a conspiracy on April 22, 2024, with malicious intent to prevent the said woman from public contact, as there is a possibility of adversely affecting the election results. Accordingly, A2- Satish approached the victim at her residence in Hebbalu village, saying that she had been called for work by A8- Bhavani Revanna. In pursuance of the conspiracy, accused 2- Satish, sent the victim along with Sharath, a relative of accused A8 - Bhavani Revanna to Bogadi, Mysore. Further said Sharath took the victimized woman to Bhogadi and dropped her off at the house of his

acquaintance from 23/04/2024 to 26/04/2024 covertly. More over, on April 26, 2024, the polling day of said general election, the victim was taken to and dropped off in her village, Hebbal from Mysuru. In the meantime, on 28/04/2024, a case of sexual assault was registered against the accused No.1 - H.D. Revanna, and his son, Prajwal Revanna in the Holenarasipura Town Police Station under Crime No. 107/2024 based on the complaint filed by another victim, who was working at their house. On the same day. the Karnataka State Government ordered the formation of a special investigation team of the CID to investigate said case and directed that any cases registered or that may be registered in other police stations of the state be transferred to the Special Investigation Team for further investigation. With these developments, Accused 1 - H.D. Revanna. and Accused 8 - Bhavani Revanna, knowing fully well that a complaint would be filed against Prajwal Revanna, if the victim of this case got in touch with the police of the Special Investigation Team, incited Accused 2 - Satish Babu, to abduct the victimized woman so that the case of sexual assault would not be

registered and the Special Investigation Team would not get their hands on the victim. Then, in pursuance of a conspiracy, A2- Satish, Accused-3 - Sujay, and Accused 4- Madhu abducted the victim from her residence in Hebbalu village on the night of 29/04/2024. During the abduction, the victim was enticed as a case has been registered, if she were caught, she would be jailed. Hence, by so enticing and frightening the victim, they brought the victim to Saligrama's house, where A8- Bhavani was present. Further A8- Bhavani also verbally abused and frightened the victim. Then, as per the direction of A1- Revanna and A8- Bhavani Revanna, the victim was taken to the farm house of accused 7- Rajgopal K.A. in Kalenahalli village of Hunasur Taluk and kept the victim in captivity from 29/04/2024 to 04/05/2024. Further during the captivity of the victim, A9- K.A. Ajithkumar, as per the instructions of A8- Bhavani video recorded a false statement from the victim by presurising her and as per their dictate to say that no one had kidnapped or abused her so as to mislead the investigation. This video statement was then circulated and made viral on social media

websites. In the meantime, since the Complainant's mother did not return home and her whereabouts were not known to the son of the victim -Raju, he filed a complaint before the K.R. Nagara Police Station on 02/05/2024, wherein he stated that his mother was forcibly taken and kept in detention by the Accused No. 1 -H.D. Revanna and others. Thereafter, an FIR was registered at the K.R. Nagar Police Station as Cr. No. 149/2024 against the Accused No. 1 - H.D. Revanna and Accused No. 2 -Satish Babanna under Sections 364-A, 365 R/w. Section 34 of IPC. During the investigation, the victim managed to escape from captivity with great difficulty. After the investigation, the SIT filed a charge sheet for the offenses punishable u/s 120B, 364A, 384, 385, 388, 201, 504, 508, 109, 120(9) R/w 34 of the IPC against accused 1 to 9.

9. On considering the facts and circumstances of this case and the rival contentions of both side, it appears that before going to discuss on the merits of the applications filed by accused No.7 & 8, it is proper to discuss the legal contentions raised by Ld.Special PP with regard to not taking cognizance for the offence

punishable U/Sec.364A of IPC and charging the accused for the said offence. In this regard, Ld. Special PP in his objections as well as arguments submitted that this court while taking cognizance of the offences on the basis of charge-sheet submitted by the I.O has disregarded Sec.364A of IPC. But, that itself would not bar this court to take cognizance of said offence and commit the case to Sessions Court, if convinced during the stage of HBC. He further argued that, the allegations made in the complaint as well as the charge-sheet would make out the ingredients of said offence U/Sec.364A of IPC. Further, there are sufficient materials collected in the course of investigation like the statement of victim U/Sec.161 of Cr.P.C., before the I.O and also U/Sec.164 of Cr.P.C., before the Magistrate would satisfy the ingredients of said offence like abduction, apprehension of causing death, the statement of her son & other witnesses U/Sec.161 of Cr.P.C before the I.O regarding the conduct of the accused persons that give rise to such an apprehension of threat, which fulfill all the elements of Sec.364A of IPC. In support of his contention he also relied on the decision of

Hon'ble Apex court in the case of ***Shaik Ahmed V/s State of Telangana***, reported in ***(2021) 3 Supreme 631***.

10. No doubt, as rightly argued by the Ld. Special PP though this court had not taken cognizance of an offence which was mentioned in the charge-sheet filed by the I.O or even not mentioned in the charge-sheet, there is no bar for this court to charge for any such offence after hearing the accused & the prosecution at the stage of hearing before charge, if it is convinced that the allegations of the complaint & charge-sheet as well as the materials & evidences collected in the course of investigation would satisfy all the ingredients of such offence. But, that principle would be applicable only if no specific and considered order as to not taking cognizance of such an offence was passed by this court at the time of taking cognizance. But, on perusal of the cognizance order dated:17/08/2024 passed by this court, it appears very clear that, this court has considered the issue regarding taking cognizance for the said offence punishable U/Sec.364A of IPC with

regard to its ingredients in the light of the ratio laid down by **Hon'ble Apex court** in the case of **Ravi Dingra V/s State Haryana** reported in **2023 SCC Online SC 199** and categorically held that the allegations of the complaint as well as the charge-sheet and also the charge-sheet materials would not satisfy the ingredients of offence punishable U/Sec.364A of IPC. That being the case, if for any reasons including the contentions taken by Ld. Special PP this court takes a different view and take cognizance for said offence punishable U/Sec.364A of IPC at this stage of hearing before charge, that would definitely amounts to review of this courts order dated:17/08/2024, which is not permissible under criminal law. More over, if at all the prosecution is aggrieved by said order dated:17/08/2024 as to not taking cognizance of said offence punishable U/Sec.364A of IPC, though the same was charge-sheeted, the option available would be to challenge the said order before the appropriate forum. But, for the reasons best known to them the prosecution has not at all challenged the said order till date. Therefore, this contention of the Ld. Special PP

cannot be considered at this stage.

11. The defence counsel for accused No.7 & 8 also taken a legal contention that, the very charge-sheet filed by the I.O of this case is contrary to law & mandate of the Government order dated: 28/04/2024, as SIT is not a police station & the I.O – CW136 is not a competent officer to file the final report U/Sec.173(2) of Cr.P.C.,. In this regard Ld.Special PP has argued that, the said issue is no more res-integra as the same was considered by Hon'ble High Court of Karnataka in a Writ petition challenging the authority of SIT under another similar Government notification. Therefore, this contention of the defence counsel holds no water. In this regard, it is pertinent to note that, ***Hon'ble High Court of Karnataka*** in the case of ***Munirathna V/s. State of Karnataka***, in ***Crl.Petition No.1724/2025, dated: 07/03/2025*** has considered an issue similar to the issue in this case with regard to the authority of SIT & its investigating officers to file final report / charge-sheet U/Sec.173(2) of Cr.P.C., and negated the challenge made by the accused. Therefore, as the

said legal issue is already set at rest by the constitutional court, it may not be proper & necessary to discuss on the said issue. Therefore, the contention of the defence counsel as to the validity of charge-sheet submitted by the SIT in this case would not come to his rescue.

12. With regard to the application filed by accused No.7, it is pertinent to note that, except simply stating that, the accused No.7 had fully cooperated for the investigation, but as this accused did not abide to the illegal demands of police, he is arraigned as accused in this case on totally untenable grounds and no evidence is cited in the charge-sheet against this accused to show any acts done by him to achieve the alleged crime and his intention in committal of said crime, nothing was submitted by way of arguments. Though this accused in his application simply stated that, as he was not abide to the illegal demands of police, he is arraigned as accused in this case, he has not shown any material or circumstances in the charge-sheet to substantiate the same. No doubt, as stated by this accused in his application, there are no direct evidences as to his involvement in the alleged conspiracy and also

to show his intention to commit alleged crime. But, it is well known that, there could not be any such direct evidences to prove such conspiracy and intention of a person. But, there are several circumstances and situations that would prima-facie show that this accused No.7 was having knowledge about alleged agreement among the other accused persons and with such knowledge, he agreed to shelter the victim – CW2 in his farm house. More so, as rightly submitted by the Ld. Special PP this accused No.7 himself had given statement before the I.O confessing the commission of offence. Similarly, the statement of witnesses like the laborers engaged in the said farm house also prima-facie show the presence and stay of the victim in their company in the said farm house over a period of 4 to 5 days. More so, the statement of co-accused also prima-facie satisfy as to the fact of concealing or captivating the victim in the farm of house of this accused No.7. That apart, as rightly argued by the Ld. Special PP the digital evidences like, the Mobile call records, Tower locations & Mobile Numbers series data from the Mobile Number associated with this accused No.7 would prima-

facie satisfy as to the alleged conspiracy and agreement between this accused No.7 & the other accused for keeping the victim in captivity in his farm house. More so, the Forensic evidence like, the DNA report on the hairs collected from the farm house of his house also prima-facie satisfy the allegations of the prosecution. All these material & evidences collected in the course of investigation by the investigating agency prima-facie satisfy as to the role of this accused No.7 in commission of alleged offence and accomplishment of alleged conspiracy. All the said materials & evidences would be sufficient to charge the accused for the alleged offences along with the other accused. The truthfulness or otherwise of all such materials could be tested only during the trial, but not at this stage as this court cannot go for a roving enquiry or mini trial at this stage of hearing before charge. Therefore, this court is of the opinion that there are sufficient materials to charge the accused No.7 and no grounds for his discharge.

13. With regard to accused No.8 it is the specific contention that, this accused No.8 was not mentioned either in the complaint or the FIR.

The allegations against this accused No.8 were related only to the incident on 22/04/2024 i.e., about 3-4 days prior to the Parliamentary Election on which date the victim was brought back to her home. But, the present case is relating to the alleged incident dated: 29/04/2024. As such, the charge-sheet filed against accused No.8 for the incident that had taken place on 22/04/2024 i.e., prior to the date of alleged incident in this case is not maintainable. In this regard, it is specifically argued by the Ld.Special PP that the incident dated:29/04/2024 was also part of alleged conspiracy that was coined on 22/04/2024 itself. As such, the I.O after thorough investigation and collection of sufficient materials filed charge-sheet against this accused No.8 also. On considering these rival contentions and the charge-sheet materials it appears that, as rightly contended by the defence counsel on 22/04/2024 the victim was also taken to some place by the accused No.2 at the instance of accused No.8 and on the date of Election i.e., 26/04/2024 she was dropped back to her house. It is thereafter about 3 days later, she was again taken from her house by accused No.2 as per the instructions of accused No.1 & 8

and kept in captivity or secrecy in the farm house of accused No.7 for 4-5 days. Therefore, even if the incident dated: 22/04/2024 to 26/04/2024 may not be considered as an act of abduction, the subsequent incident appears to be an abduction of victim & the role of this accused No.8 is prima-facie revealed from the statements of victim U/Sec.161 of Cr.P.C., before the I.O as well as U/Sec.164 of Cr.P.C., before the Magistrate and also the voluntarily statements of the other accused before the I.O. All the said statements coupled with the Electronic or Digital evidences like, CDR Analysis reports & the Whats App call records of the other accused among themselves as well as with this accused No.8 on the day of alleged abduction prima-facie show that there may be some conspiracy among the accused to secure the victim & keep her under concealment or captivity. Similarly, the statement of victim – CW2 as well as the witnesses CW4, 5 , 6 & 7 prima-facie provide a comprehensive account regarding abduction of CW2 & involvement of this accused No.8. Similarly, the allegations made in the complaint & the statement of the complainant who is none other than the son of victim also

throw light on the act of enticement & fraudulent misrepresentation by accused No.2 to take the victim to accused No.8 & to said farm house where she was kept secretly. The defence counsel has also contended that, the I.O has relied on several conjectures & surmises to file the charge-sheet against this accused No.8. He also argued that, this accused No.8 is roped in as an accused only on the basis of alleged voluntarily statement of other accused, but nothing was recovered from this accused No.8 to show that she is also involved in the alleged conspiracy & commission of alleged offences. But, it is pertinent to note that, there may not be any direct evidence in support of any such conspiracy. Any such conspiracy could be inferred & proved on the basis of the circumstances, situations, the conduct of accused & the events prior to & subsequent to commission of acts under such conspiracy. As such, in the present case also there may not be direct evidences to infer the conspiracy alleged to have been coined among the accused No.1 to 9. However, the circumstantial evidences, conduct of the accused & the events prior to & subsequent to alleged abduction of the

victim, prima-facie make out some ground to infer such conspiracy. As rightly argued by the Ld.Special PP the motive underlying alleged abduction of the victim was to prevent her from coming in contact with the special investigation Team constituted for the investigation of alleged cases of sexual harassment against Mr. Prajwal Revanna, who is none other than the younger son of accused No.1 & this accused No.8, so that no such cases relating to alleged sexual assault on this victim would be registered by the SIT. In the normal circumstances, this line of argument as to the motive of accused No.1 & 8 in doing alleged conspiracy cannot be brushed away. Further, the statement of complainant and also the statement of victim & her sister who was working in the house of accused No.8 also reveal presence of accused No.8 when the victim – CW2 was brought to her house through accused No.2. Similarly, the other witnesses like, CW4 to 7 in their statements before the I.O categorically stated about the role of this accused No.8 in alleged abduction. All the above discussed evidences & materials like, the statement of victim, complainant, witnesses & also the co-accused i.e.,

accused No.2, 3, 4 & 7 prima-facie satisfy & support the allegations of complaint & the charge-sheet. The truthfulness or otherwise of all those evidences & materials could be tested only during the trial, but not at this stage, because at this stage of hearing before charge, this court has to go through the charge-sheet materials and decide as to whether the charge against the accused is ground-full or groundless, but cannot do a roving enquiry or mini trial. That being the case, there appear no grounds for accepting the contention of the accused that, there are no materials to charge the accused for the offences alleged against her.

14. That part, the defence counsel also taken the contention that all the cases registered against the son of accused No.8 & other family members are far from truth, part of political cause to uproot the accused No.8 & her family from social life and disrepute them in the society. The accused are framed in these cases by the persons who hold high office in the Government, who are politically & personally inimical to accused No.1 & his family. But, all these grounds of vengeance or enmity cannot be considered at this stage by this court. If at all, said contentions of the defence

counsel are true, he may take the shelter under them in the course of trial to disprove the case of the prosecution. In view of the all the above discussion, this court is of the opinion that, there are no grounds sufficient to discharge this accused No.8, rather there appear prima-facie sufficient materials & grounds to charge the accused No.8 for the offences alleged against her in the charge-sheet.

15. From all the above discussed facts & circumstance coupled with the materials produced along with the charge-sheet, it appears that, there are sufficient materials and grounds to presume the involvement of accused No. 7 & 8 in the commission of alleged offences. As such, these accused No. 7 & 8 are not entitled for their discharge from the said offences at this stage. Accordingly, this court proceeds to pass the following;

ORDER

The applications filed by accused No. 7 & 8 Under Section 239 of Cr.P.C are rejected.

For orders on application filed by
accused No.3 to 5.

Call on : 18/10/2025.

(Dictated to the Stenographer directly on computer, after her typing, corrected, signed and then pronounced by me in open Court this the **13th day of October, 2025**).

(K.N.Shivakumar)

XLII Addl.CJM, Bengaluru

*(Spl.Court for trial of cases against
Mps/MLAs,in Karnataka)*

*(order pronounced in open court
Vide Separate order)*

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Call on : 18/10/2025.

XLII ACJM, BENGALURU.