



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

WRIT PETITION NO.29258 OF 2025 (GM-RES)

BETWEEN:

1. SRI. PRAJWAL REVANNA
S/O H.D. REVANNA
AGE ABOUT 33 YEARS,
CHENNAMBIKA NILAYA,
CHENNAMBIKA CIRCLE,
HOLENARASIPURA
HASSAN - 573 211.

...PETITIONER

(BY SRI. SIDDARTHA DAVE, SENIOR ADVOCATE
ALONG WITH SRI K.N. PHANEENDRA, SENIOR ADVOCATE
ALONG WITH MR. GIRISH KUMAR B.M., ADVOCATE
ALONG WITH MS. TANISHA KAUSHAL, ADVOCATE)



AND:

1. STATE OF KARNATAKA
BY HOLENARASIPURA POLICE STATION,
BENGALURU-560 001
(INVESTIGATED BY SPECIAL INVESTIGATION TEAM
CID BENGALURU
#1, CARLTON HOUSE,
PALACE ROAD,
BENGALURU-560 001)
REPRESENTED BY SPECIAL PUBLIC
PROSECUTOR OF S.I.T.,



CID, BANGALORE.

...RESPONDENT

(BY SRI. B.N. JAGADEESHA, ADDL. S.P.P.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO TRANSFER THE CRIMINAL CASE IN SPL.C.C.NO.5/2025 (ARISING OUT OF CRIME NO.20/2024) OF THE OFFENCES UNDER SECTION 376(2)(n), 354(A), 354(B), 354(C), 506 AND 201 OF I.P.C. AND SECTION 66 E OF INFORMATION TECHNOLOGY ACT, 2000 PENDING ON THE FILE OF THE LXXXI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, AT BENGALURU (CCH-82) (SPECIAL COURT FOR THE TRAIL OF CRIMINAL CASES AGAINST THE PRESENT AND FORMER M.P'S AND M.L.A'S IN THE STATE) AT BANGALORE, VIDE ANNEXURE-A TO ANY OTHER HON'BLE COURT OF SESSIONS, BANGALORE BY INVOKING THE PROVISION UNDER SECTION 408 OF CODE OF CRIMINAL PROCEDURE, 1973, ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THROUGH PHYSICAL HEARING/VIDEO CONFERENCING THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.I.ARUN



ORAL ORDER

1. The petitioner was a Member of Lok Sabha from the Parliamentary Constituency of Hassan and is an accused in Spl.C.C.No.5/2025, pending on the file of LXXXI Additional City Civil and Sessions Judge, Bengaluru. On the ground that the Presiding Officer of the said Court is biased, the petitioner made an application under Section 408 of Cr.P.C. in CrI.Misc.No.7828/2025 before the Principal City Civil and Sessions Judge, Bengaluru with a prayer to transfer the pending Spl.C.C.No.5/2025 to another Sessions Judge. The same came to be rejected by an order dated 20.09.2025 on the ground that LXXXI Additional City Civil and Sessions Judge, Bengaluru, is constituted specially to try offences alleged to have been committed by Members of Parliament and the Members of State Legislative Assembly in the State of Karnataka and therefore, the case cannot be transferred to any other Sessions Court. Aggrieved by the same, the present petition is filed under Articles 226 and 227 of the



Constitution of India read with Sections 482, 407 of Cr.P.C. and 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. The case of the petitioner is that the Principal City Civil and Sessions Judge, Bengaluru committed an error in dismissing Crl.Misc.No.7828/2025 on the technical ground that LXXXI Additional City Civil and Sessions Judge, Bengaluru has been constituted by virtue of the special notification and that it cannot be transferred to any other Sessions Court. It is submitted that the Principal City Civil and Sessions Judge, Bengaluru, ought to have examined whether LXXXI Additional City Civil and Sessions Judge, Bengaluru was biased or not, and whether the request of the petitioner had to be considered on merits. For that reason, it is prayed that the order passed in Crl.Misc.No.7828/2025 be set aside and the matter be remanded back to the Principal City Civil and Sessions Judge, Bengaluru.



3. Even otherwise, it is submitted that the facts pleaded is supported by the documents produced and they show that LXXXI Additional City Civil and Sessions Judge, Bengaluru is biased against the petitioner or atleast a necessary reasonable apprehension in the mind of the accused / petitioner herein has arisen that he will not get fair trial and for that reason, the Spl.C.C.No.5/2025 is required to be transferred. The petitioner has made the following prayer in the instant petition:-

"(a)Transfer the criminal case in Spl.C.C.No.5/2025 (arising out of Crime No.20/2024) of the offences under Section 376(2)(n), 354(A), 354(B), 354(C), 506 and 201 of I.P.C. and Sec.66 E of Information Technology Act, 2000 pending on the file of the LXXXI Additional City Civil and Sessions Judge, at Bengaluru (CCH-82) (Special Court for the trail of criminal cases against the present and former M.P's and M.L.A's in the State) at Bangalore, vide Annexure-A to any other Hon'ble Court of Sessions, Bangalore by invoking the provision under section 408 of Code Of Criminal Procedure,



1973 and pass such other order which is deemed fit in the facts and circumstances of the cases, in the interest of justice.

(b) Pass such other order or grant such other relief/s as this Hon'ble Court deems fit in the facts and circumstances of the cases, in the interest of justice."

4. The order passed in Crl.Misc.No.7828/2025 reveals that the Principal City Civil and Sessions Judge, Bengaluru has dismissed the request of the petitioner on the ground that LXXXI Additional City Civil and Sessions Judge, Bengaluru, is a Special Court constituted by virtue of a notification and there is no Court of equivalent jurisdiction to which Spl.C.C.No.5/2025 can be transferred. The fact that whether the material placed on record establishes bias on the part of the Presiding Officer of LXXXI Additional City Civil and Sessions Judge, Bengaluru, has not been examined by the Principal City Civil and Sessions Judge, Bengaluru.



5. Be that as it may, the present petition is filed under Section 407 of the Cr.P.C. wherein this Court is empowered to examine whether the pleadings and the materials placed before this Court by the petitioner establishes a bias on the part of LXXXI Additional City Civil and Sessions Judge, Bengaluru.

6. It is submitted by the petitioner that there are several criminal cases pending on the file of LXXXI Additional City Civil and Sessions Judge, Bengaluru wherein the petitioner is an accused. It is further submitted that in Spl.C.C.No.2627/2024, the petitioner has already been convicted by LXXXI Additional City Civil and Sessions Judge, Bengaluru and in the process the trial Court has castigated the counsel on record appearing for the petitioner and it is further submitted that the evidence has not been appreciated in proper light and the trial Court infact relied upon the evidence deposed in some other case which it ought not to have done in Spl.C.C.No.2627/2024. On these grounds, it is submitted



that there is a reasonable apprehension in the mind of the petitioner that the Presiding Officer is biased against him and he may not get justice.

7. Per contra, the learned Additional SPP appearing for the respondent submits that the documents do not reveal any bias on the part of the Presiding Officer against the petitioner and that the petitioner is unnecessarily unnerved, as he is convicted in Spl.C.C.No.2627/2024 and has filed the present petition without any basis. It is further submitted that petitioner is always having the liberty to challenge the order of conviction passed in Spl.C.C.No.2627/2024. On the said ground, it is prayed that the instant petition be dismissed.

8. The question that arise for consideration in this petition is whether the petitioner has made out any ground to show that there has been any bias on part of the Presiding Officer of LXXXI Additional City Civil and Sessions Judge, Bengaluru.



9. Section 407 of the Code of Criminal Procedure, 1973
reads as under:-

**"407. Power of High Court to transfer cases
and appeals.-(1)** Whenever it is made to
appear to the High Court-

(a) that a fair and impartial inquiry or trial
cannot be had in any Criminal Court subordinate
thereto, or

(b) that some question of law of unusual
difficulty is likely to arise; or

(c) that an order under this section is required by
any provision of this Code, or will tend to the
general convenience of the parties or witnesses,
or is expedient for the ends of justice,
it may order-

(i) that any offence be inquired into or tried by
any Court not qualified under sections 177 to
185 (both inclusive), but in other respects
competent to inquire into or try such offence;

(ii) that any particular case, or appeal, or class of
cases or appeals, be transferred from a Criminal
Court subordinate to its authority to any other



such Criminal Court of equal or superior jurisdiction;

(iii) that any particular case be committed for trial to a Court of Session; or

(iv) that any particular case or appeal be transferred to and tried before itself

2) The High Court may act either on the report of the lower Court, or on the application of a party interested, or on its own initiative:

Provided that no application shall lie to the High Court for transferring a case from one Criminal Court to another Criminal Court in the same sessions division, unless an application for such transfer has been made to the Sessions Judge and rejected by him.

(3) Every application for an order under subsection (1) shall be made by motion, which shall, except when the applicant is the Advocate-General of the State, be supported by affidavit or affirmation.



(4) When such application is made by an accused person, the High Court may direct him to execute a bond, with or without sureties, for the payment of any compensation which the High Court may award under sub-section (7).

(5) Every accused person making such application shall give to the Public Prosecutor notice in writing of the application, together with a copy of the grounds on which it is made; and no order shall be made on the merits of the application unless at least-twenty-four hours have elapsed between the giving of such notice and the hearing of the application.

(6) Where the application is for the transfer of a case of appeal from any subordinate Court, the High Court may, if it is satisfied that it is necessary so to do in the interests of justice, order that, pending the disposal of the application, the proceedings in the subordinate Court shall be stayed, on such terms as the High Court may think fit to impose:



Provided that such stay shall not affect the subordinate Court's power of remand under section 309.

(7) Where an application for an order under subsection (1) is dismissed, the High Court may, if it is of opinion that the application was frivolous or vexatious, order the applicant to pay by way of compensation to any person who has opposed the application such sum not exceeding one thousand rupees as it may consider proper in the circumstances of the case.

(8) When the High Court orders under subsection (1) that a case be transferred from any Court for trial before itself, it shall observe in such trial the same procedure which that Court would have observed if the case had not been so transferred.

(9) Nothing in this section shall be deemed to affect any order of Government under section 197."

Thus, if it appears to this Court that a fair and impartial trial cannot be had in the proceedings pending



before LXXXI Additional City Civil and Sessions Judge, Bengaluru against the petitioner, then in that event, the same can be transferred to any Court.

10. It is seen from the judgment passed in Spl.C.C.No.2627/2024, that the trial Court intended to conduct the trial on a day-to-day basis so that the trial would be concluded expeditiously. In the process any adjournments sought on behalf of the petitioner has been frowned upon by the trial Court. Further, it is noticed that the counsel for the petitioner retired from the case in Spl.C.C.No.2627/2024 and a plea was raised, time has to be granted to the petitioner to engage some other advocate, but it is admitted in the course of arguments that the same advocate who retired in Spl.C.C.No.2627/2024, is appearing for the petitioner in other criminal cases before the same Court. It is also seen that after lapse of some time, some other counsel again appeared for the petitioner in Spl.C.C.No.2627/2024, this has resulted in the trial Court passing certain remarks on



the conduct of the counsel for the petitioner. In the process, the observation in the judgment may sound a bit harsh, but that cannot be construed as a bias on the part of the Presiding Officer. Admittedly, the petitioner has tried to drag the case intentionally and resort to delay tactics, which has been frowned upon by the trial Court. If that can be a ground for transfer of a criminal case, there would be petitions filed for transfer in almost all criminal cases where accused feels that he may get convicted. Such practice cannot be permitted and *ipso facto*, does not establish judicial bias.

11. Insofar as it relates to erroneous appreciation of evidence, it is always open for the petitioner to challenge the judgment delivered by the trial Court. That also cannot be a ground for seeking transfer.

12. In the course of the arguments, the petitioner has relied upon a decision of the Bombay High Court in the case of **NILESH JAP DARU v. STATE OF**



MAHARASHTRA reported in **2005(1) Mh.L.J.** wherein in paragraph No.7, it has been observed as under:-

"7. Keeping in view the overall facts and circumstances of the case, I agree with the learned Sessions Judge that the proceedings of the case and the order dated 11.6.2004 does not reveal any bias against the petitioner. At the worst, they show the concerned Judge's annoyance at the failure on the part of the learned Advocate for the petitioner to be present in his Court when the case was taken up for hearing on 10.6.2004 and 11.6.2004. It is now well settled that in considering the expediency of directing a transfer for the ends of justice, it is essential to decide not merely the question whether there has been any real bias in the mind of a Judge but also the further question whether the incidents happened in the court create in the mind of an accused a reasonable apprehension that he may not have a fair and impartial trial. In other words, it often becomes necessary to consider whether there is a reasonable ground for assuming the possibility of bias and whether it is likely to produce in the mind of a litigant or



public at large a reasonable doubt about fairness of administration of justice. It would always be a question of fact to be decided in each case. The events in the Court dated 10.6.2004 and 11.6.2004 followed by the order dated 11.6.2004 passed in Misc. Application No. 761 of 2004, in my opinion, are sufficient to create such apprehension in the mind of the petitioner that he would not get justice from the concerned Judge. The said order was ultimately quashed and set aside by this Court by order dated 16.6.2004. Though I do not believe that the petitioner will not get justice from the learned Judge, the things have taken such a turn in this case as to make the petitioner apprehensive that he will not get a fair trial from the learned Judge. In the circumstances, in my opinion, the learned Sessions Judge should not have rejected but allowed the application of the petitioner under section 408 of Criminal Procedure Code."

13. The aforementioned observation, has to be examined on a case to case basis and it does not give a right to the petitioner to seek transfer of a case from one Court to



another, merely, because, the Court is not sailing with him, as in the instant case.

14. For the aforementioned reasons, I do not see any merit in the instant petition and the same is accordingly, ***dismissed.***

15. However, the trial Court is directed not to be prejudiced by the conduct of the petitioner in filing petitions for transfer of the case from the trial Court and decide Spl.C.C.No.5/2025 pending on its file purely based on the merits of the case.

16. Pending interlocutory applications, if any, stand disposed of.

**Sd/-
(M.I.ARUN)
JUDGE**