**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

DATED THIS THE 16TH DAY OF MAY 2018

BEFORE

**THE HON'BLE MR. JUSTICE BUDIHAL R.B.**

CRIMINAL REVISION PETITION No.211/2018
C/W
CRIMINAL REVISION PETITION No.224/2018
CRIMINAL REVISION PETITION No.240/2018

**IN CRL.R.P. No.211/2018**

**BETWEEN**:

1. Sri Siva Vallabhaneni
Wrongly mentioned as
Shiva Vallabhaneni @
Sri Nithya Sachitananda in the
Charge sheet,
S/o Sathyanarayana Murthy
Aged 54 years
Wrongly stated as R/o
Nithyananda Dhyanapeeta
Kallugopanahalli, Bidadi Hobli
Ramnagara Taluk and
District – 562 109
Residing at Esteem Heritage
Pearl 203 3/7, Rose Garden Road
J.P.Nagar, 5th Phase,
Bengaluru – 560 078.

2. Smt.Ragini Vallabhaneni
Wrongly mentioned as
Ragini @ Maa Nithya

Sachitananda in the charge sheet
W/o Siva Vallabhaneni
Aged 59 years
Wrongly stated as
R/o Nithyananda Dhyanapeeta
Kallugopanahalli, Bidadi Hobli
Ramnagara Taluk and
District – 562 109

Residing at Esteem Heritage
Pearl 203 3/7,
Rose Garden Road
J.P.Nagar, 5th Phase,
Bengaluru – 560 078. ...PETITIONERS

(By Sri Ravi B. Naik, Senior Counsel for
Smt.Vijetha R. Naik, Adv.)

**AND**:

The State of Karnataka
Through Bidadi Police Station
Rep. by the State Public Prosecutor
High Court of Karnataka
Bengaluru – 560 001. ...RESPONDENT

(By Sri Sandesh J.Chouta, SPP-II)

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This Criminal Revision Petition is filed under Section 397 read with Section 401 of Cr.P.C., praying to set aside the order dated 19.02.2018 passed by the III Additional District and Sessions Judge, Ramanagara in S.C.No.86/2014 and order be passed for discharge and petition No.1/Accused No.3 and petitioner No.2/Accused No.5.

**IN CRL.R.P. NO.224/2018**

**BETWEEN:**

1. Dhanasekar @ Sri Nithya Sadhananda
S/o Thiruvengadam
Aged about 60 years
R/at Nithyananda Dhyanapeeta
Kallugopanahalli,
Bidadi Hobli
Ramnagara Taluk

Presently residing at
No.14, Pulicar Street
Tiruchengode
Tamil Nadu – 637 211.

2. Smt.Jamuna Rani @ Ma Nithya Sadananda
W/o Danasekaran
Aged about 56 years
R/at Nithyananda Dhyanapeeta
Kallugopanahalli,
Bidadi Hobli
Ramnagara Taluk

Presently residing at
No.14, Pulicar Street
Tiruchengode
Tamil Nadu – 637 211. ...PETITIONERS

(BY Sri Ashok Haranahalli, Senior Counsel for
Sri Sandeep S. Patil, Adv.)

**AND:**

State of Karnataka
Through Bidadi Police Station

Ramanagara District
Ramanagara
Represented by its Public Prosecutor
High Court of Karnataka
Bengaluru – 560 001. ...RESPONDENT

(By Sri Sandesh J.Chouta, SPP-II)

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This Criminal Revision Petition is filed under Section 397 R/W 401 of Cr.P.C., praying to set aside the order dated 19.02.2018 passed in SPL.C.No.86/2014 pending on the file of the III Additional District and Sessions Judge, Ramanagara.

**IN CRL.R.P. NO.240/2018**

**BETWEEN:**

1. Sri Gopala Sheelam Reddy @
Nithya Bhakthananda
Aged about 53 years
S/o Sheelam Mallareddy
Residing at Nithyananda Dhyanapeeta
Kallugopanahalli
Bidadi Hobli
Ramanagara Taluk and District – 571 511.

2. Sri Paramahamsa Nithyananda
Swamy @ Rajashekaran
Aged about 40 years
S/o Annamalai Arunachalam
Residing at Nithyananda Dhyanapeeta
Kallugopanahalli
Bidadi Hobli
Ramanagara Taluk

and District – 571 511. ...PETITIONERS

(By Sri C.V.Nagesh, Senior Counsel for
Sri Raghavendra K., Adv.)

**AND:**

State of Karnataka
By the Station House Officer
Bidadi Police Station
Ramanagar District
Ramanagar – 571 511. ...RESPONDENT

(By Sri Sandesh J.Chouta, SPP-II)

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This Criminal Revision Petition is filed under Section 397 read with Section 401 of Cr.P.C., praying to set aside the order passed in S.C.No.86/2014 dated 19.02.2018 passed in the case on the application filed by the petitioners under Section 227 of Code of Criminal Procedure.

These Criminal Revision Petitions having been heard and reserved for order on 20.04.2018 and coming on for pronouncement of order this day, the Court made the following:-

**ORDER**

The above three revision petitions are directed against the order dated 19.2.2018 passed by the 3rd Additional District and Sessions Judge, Ramanagar rejecting the applications filed by the revision petitioners-accused under Sections 227 and 228 of Cr.P.C. in S.C. No.86/2014. The revision petitioners herein have challenged the legality and correctness of the said order of the learned Sessions Judge on the grounds as mentioned in the respective above three revision petitions.

2. The facts leading to filing of these revision petitions are that the revision petitioners filed an application under Sections 227 and 228 of Cr.P.C. seeking their discharge from the proceedings. In the said applications, it is stated that the evidence collected by the investigator during the course of the investigation of the crime, both oral and

documentary, and which are brought on record in the case in the form of Final Report filed under section 173(2) of Cr.P.C. and such of those materials which he had collected during the course of the investigation of the crime, again, which are both oral and documentary, and which he has not chosen to bring the same on record in the case and which evidence he was compelled to place before this Hon'ble Court consequent to the order which came to be passed by this Court in the criminal petition that had been filed by the accused, if read to their face value as true, do not make out any offence, let alone, the one that are mentioned in the Final Report filed in the case. The basic essential ingredients that would constitute the commission of offences said to have been committed by the accused and that are mentioned in the final report filed in the case are found lacking in the evidence collected by the investigator.

In view of the law laid down by the Hon'ble Supreme Court and this Court, the unquestionable, unimpeachable and admitted documents that are produced by the accused, if read, while hearing the accused for their discharge in the case, would demonstrably indicate that the story projected by the prosecution will have no legs to stand and that the accused are falsely implicated in the case for certain inexplicable reasons that are well within the knowledge of couple of prosecution witnesses. The registration of the crime, its investigation and the submission of the final report in the case is itself bad for the reason that the person who is said to have been aggrieved projected in the complaint filed on which basis, the crime came to be registered, has not even cited as a prosecution witness. But for the efforts, the accused had made the statement of the person who has been projected as a victim of an act

of sexual assault, would not have seen the light of the day at all.

The person who has been projected as a victim of an act of sexual assault, as is evident from her statement, recorded by the investigator, during the course of the investigation of the crime, absolutely has no grievance whatsoever against the accused. In this view of the matter, it has got to be said that the result of investigation of the crime lacks in bona fide and smells of malafide action.

The accused, for no sin or wrong on their part, are being subjected to the acts of harassment, mental torture, obviously to wreck malice and vengeance and to compel them to enter into terms with certain hidden hands who have put a couple of prosecution witness in the fore front and who have been fighting more than one litigation in the United States of America against the accused and their institution. The harassment to which the accused are subjected

to, for no sin, wrong or fault on their part has got to be nipped in the bud by an order of discharge in the case at the hands of this Court.

Therefore, the accused above named pray that this Court be pleased to, while invoking its jurisdiction under Sections 227 and 228 of Cr.P.C., order their discharge in the case and if so permitted, award compensation for the harassment to which they are subjected to, for years and years, without even an element of justification whatsoever by lugging them into a criminal case which is triable by the Court of Sessions, in the ends of justice.

3. The respondent-complainant has opposed the application by filing statement of objections. The objections are that facts of the case and sum and substance of the charge sheet is that, accused Nos.1, 4 and 6 have registered a Trust by name Nithyananda Dhyanapeeta Ashram in Bidadi of

Ramanagar District in the year 2003. Later, they have extended its branches in different names. Accused No.2 has joined the Nithyananda Foundation in DUARTE, Los Angeles County, California, U.S. and became part of Nithyananda Dhyanapeeta as a follower, taking part in all activities of the Ashram. Accused Nos.3 and 5 are married couple having U.S. Citizenship and they joined the Ashram in the year 2004. Accused No.3 is working as international secretary for all Nithyananda organizations and accused No.5 as P.A. to accused No.1 in U.S. and in Bidadi Ashram. Accused Nos.4 and 6 are another married couple from Tamilnadu who joined the Bidadi Ashram since its existence as its staunch disciples. Later, accused No.4 became the official secretary of accused No.1 and Ashram, and accused No.6 the personal assistant to accused No.1. Accused Nos.1 to 5 were having full knowledge of all the activities of Ashram. The Ashram was

initially carrying some spiritual activities like Dhyana, Yoga and etc. Later, accused No.1 with aid of other accused used to arrange programmes and courses to preach yoga, dhyana and bhakthi in different places. Therefore, many people interested in such spiritual activities being inspired by the speeches have joined the said Ashram. Therefore, many people interested in such spiritual activities being inspired by the speeches have joined the said Ashram.

4. One K. Lenin, being captivated by the speech and preaching of accused No.1, in 2006, had joined and stayed at Ashram and he was renamed as Nithya Dharmananda by accused No.1. His honest services were acknowledged by accused No.1 and hence, he was allowed to work as his faithful car driver. In the early part of the year 2005, C.W.3 of this case has joined the Ashram along with her parents C.W.4,

being fascinated to the spiritual speeches, by reading the texts written by accused No.1, and watching the programmes on TV etc. There were about 250 men and women followers in the age group of 18 and 60 who stay in the Ashrama by performing seva. The other persons amongst them were C.Ws.8 to 11, 119 who joined the Ashram and were rendering their loyal services to accused No.1. It is observed by these witnesses that accused Nos.2 to 6 were in the close circle of accused No.1. The complaint of C.W.1, the statement given by C.Ws.3, 4, 8 to 11, 119 and other witnesses recorded by investigation officer under Section 161 of Cr.P.C. are relevantly explained as to how they joined the Ashram.

5. It is the complainant C.W.1 could able to watch some illegal and bad mannered activities of accused No.1 during his close stopover with accused No.1, that accused No.1 used to misbehave with the

devotees, more particularly with young females. During the time of April 2009, C.W.119 enquired C.W.1 about it. Since then, C.W.1 was watching the activities of accused No.1 with all attentiveness. He observed the behaviour and activities of accused No.1 with C.W.3 that seems to be ill mannered and loutish. In November 2009, the Personal Secretary of accused No.1, Nithya Gopika told C.W.1 of having received physical and mental torture from Swami Nithyananda. Thus, his suspicion turned into certainty and conclusive. By the time, C.W.1 made enquiries with C.W.3, who did not give true account to him as she was totally under the cult control of accused No.1. But later when they plotted an idea to plant a concealed camera in the bedroom of accused No.1, they got solid evidence of having the sexual activities of accused No.1 with another Ashramate by name Ms. Ranjita. Being shocked of the fact and ruined of their deep faith and trust reposed on

accused No.1, they left the Ashram and with an intention to save the innocent followers from the clutches of Ashram, C.W.1 had copied the video to many CDs and dropped it to the offices of TV channels for needful action.

On 2nd and 3rd March, 2010, many TV channels telecasted the episode on the digital media and on 4.3.2010, C.W.1 lodged the complaint before CCB, Chennai police. The same was registered in crime No.112/2010 for the offences punishable under Sections 295(A), 376, 377, 420 and 506(1) of IPC and on the same day, another complaint was registered before CCB police, Kovai in Cr. No.16/2010 for the offences punishable under Sections 295(A) and 420 of IPC on the complaint of one T.M. Vishwanath of Kovai. Later, on the point of jurisdiction, both the FIRs were transferred to Karnataka Police i.e., Bidadi police station. As per the direction of DGP, Karnataka, the investigation of both the cases were

referred to CID police who investigated the cases and filed charge sheet.

Since the date of telecasting of the episode on TV media, the accused persons had run away from Ashram and concealed themselves in unknown places. At this juncture, during the course of investigation, on enquiry by the investigating officer, the other ashramates found in the Ashram did not disclose the whereabouts of the accused persons. The statements of these persons did not give any hints of the accused and their activities. The female person found in the video was identified Ms. Ranjitha, for whom the investigating officer made efforts to find her out. But after a long delay, she appeared before the investigating officer and gave her statement denying her connection with the episode.

Later, one Amala (C.W.3) had come forward with a complaint that she was a victim of sexual assault of accused No.1. On 17.8.2010, she gave her

statement to the investigating officer explaining how she was exploited by the accused No.1 with the aid and assistance of other accused persons by operating cult over her and accused No.1 precast her by brainwashing and deceitfully assaulted sexually. The statement of this witness was attached to the charge sheet at page Nos.356 to 369 and her further statement at page No.370.

Another witness C.W.119 who was residing in U.S. had also contacted the investigating officer and he gave his statement through skype internet digital media and the same was recorded by the investigating officer. The said statement was attached to the additional charge sheet available at page Nos.178 to 187. The statement reveals that accused No.1 is a debauched to unnatural sexual activities and committed unnatural offences over this witness. Further C.W.119 was given criminal

intimidation to his life from accused No.1 and through other accused persons.

It seems, in the investigation, the accused persons used to get executed an agreement from the disciples more particularly with whom accused No.1 was having sexual connections. Such agreements called in abbreviation as NDA (Non Disclosure Agreement). The same were got signed without giving opportunity to read the contents. It is much pertinent that such few NDAs were recovered from the custody of C.W.9 who was asked by the accused persons to hand it over to them after the exposer of the episode for destruction. The same are recovered and made available with additional charge sheet at page Nos.69 to 168. Accused No.6 has signed these NDAs on behalf of the Ashram. In the addendum to the NDA, it is shown that the 'volunteer understands that the programme may involve the learning and practice of ancient tantric secretes associated with

male and female ecstasy, including the use of sexual energy ----- foundation. Such NDAs have been used against the victims for frightening them with dire consequences. These facts demonstrate that the accused persons with all criminal conspiracy involved in commission of the offences.

The other important witness is C.W.102 before whom accused No.1 made extra judicial confession of his criminal activities whose statement is available with the additional charge sheet at page No.15. Also another disciple of the Ashram one Amuda Bharathi whose son had fallen prey to the perverted acts of the accused, who had attempted to commit suicide, they were put under threat by the other accused on the directions of accused No.1 as not to reveal the truth to the police. The relevant documents are produced along with charge sheet that shows the perverted criminal acts of the accused.

The accused has published some books which are seized and produced for perusal of the Court. These books were used by the accused persons to captivate the victims by hypnotize them. The references of the same are elaborately given by C.W.3 in her 161 statement.

Accused No.1 has taken a plea that he is incapable of performing sexual acts by producing an unauthenticated manipulated certificate but on the directions on Apex Court, the Victoria Hospital Medical Officers have examined him for the potentiality test that report is positive.

At the same time, some unauthenticated medical certificate said to be of the victim C.W.3 is produced along with a memo annexed to their application. The same is not permitted to accept on record, since the same is not a record relevant in the case and having base of its genuineness.

As contemplated under Sections 227 and 228 of Cr.P.C., the Court has to consider the record of the case, and the documents produced therewith and hear the prosecution and the accused. It is settled proposition of law as per the Apex Court, that a strong suspicion is enough and only prima facie case is to be examined before framing of charge or passing of order of discharge. On the materials on records in this case, there is sufficient ground for presuming that the accused has committed an offence. The accused cannot be discharged from the first information report or complaint and statement of the witnesses recorded under Section 161 and from all other materials, a prima facie case is made out against the accused.

At this initial stage, the truth, veracity and effect of the evidence which the prosecution proposes to adduce are not to be meticulously judged and the standard of test, proof and judgment which is to be

applied finally before finding the accused guilty or otherwise is not exactly to be applied at the stage of framing a charge. What the Court has to consider at this stage is only the sufficiency of the ground for proceeding against the accused and not whether materials on record are sufficient or adequate for the conviction. At this stage, it is not permissible to have a meticulous examination of the statements of witnesses which are in the case diary saying that the statements in the case diary are not reliable.

On these grounds, the prosecution sought for rejection of the application seeking discharge.

6. After hearing both sides and considering the materials placed, ultimately, the learned Sessions Judge rejected the applications holding that there is prima facie case against the revision petitioners-accused and hence proceeded for framing of the charges.

7. Being aggrieved by the said order of rejection of the applications, the revision petitioners-accused are before this Court in the above revision petitions.

8. Heard the arguments of learned Senior Advocate Sri Ravi B. Naik appearing on behalf of the petitioners-accused Nos.3 and 5 in Crl.R.P. No.211/2018, Sri Ashok Haranahalli, learned Senior Advocate appearing for petitioners-accused Nos.4 and 6 in Crl.R.P. No.224/2018 so also heard learned Senior Advocate Sri C.V. Nagesh appearing on behalf of the petitioners-accused Nos.1 and 2 in Crl.R.P. No.240/2018 and learned State Public Prosecutor-II for the respondent-State and also heard the learned Senior Advocate Smt. Pramila Nesargi.

9. Learned Senior Advocate Sri Ravi B. Naik appearing on behalf of the petitioners-accused Nos.3

and 5 in Crl.R.P. No.211/2018 made submission that so far as petitioners-accused Nos.3 and 5 are concerned, even according to the prosecution case, the statement of four witnesses are important. Perusing the statement of these four witnesses, there is no material to make out prima facie case against accused Nos.3 and 5. Learned Senior Advocate drawing the attention of this Court to the statements of Jayaram dated 26.8.2010, C.R. Hanumantha dated 27.8.2010, B. Kishan Reddy dated 27.8.2010 and also the statement of R. Balakrishnan @ Nitya Sadakananda dated 13.9.2010, submitted that if the statement of all the four witnesses, which are relied upon by the prosecution, are carefully perused, they will not make out any case as against petitioners-accused Nos.3 and 5.

Even the statement of Amala, daughter of Krishnan Pillai, dated 17.8.2010, there is no allegation so far as petitioners-accused Nos.3 and 5

are concerned. Drawing the attention of this Court to the relevant portion in the statement of said Amala, the learned Senior Advocate submitted that even her statement will not make out prima facie case. Hence, requested to consider the application under Sections 227 and 228 of Cr.P.C. seeking discharge of petitioners-accused Nos.3 and 5 from the proceedings. The Learned Sessions Judge has not at all taken into consideration this aspect of the matter and has wrongly held that there is prima facie case even as against petitioners-accused Nos.3 and 5 and rejected the application. Hence, the learned Senior Advocate submitted that the order under the revision so far as it relates to petitioners-accused Nos.3 and 5 is patently illegal and not sustainable in law.

The learned Senior Advocate further, drawing the attention of this Court to the charge sheet material, submitted that even if the entire material is perused, it will not show the involvement of the

petitioners-accused Nos.3 and 5 for committing the alleged offence. Hence, submitted to allow the revision petition filed by accused Nos.3 and 5 and to set aside the order under revision and discharge petitioners-accused Nos.3 and 5 from the proceedings by allowing their application.

10. Learned Senior Advocate Sri C.V. Nagesh appearing on behalf of the revision petitioners-accused Nos.1 and 2 in Crl.R.P. No.240/2018 submitted that there are some legal issues to be considered by this Court. Drawing the attention of this Court to the order sheet maintained by the Learned Sessions Judge at page Nos.59, 60, 76 and 77, the learned Senior Advocate submitted that after hearing on the application seeking discharge of accused Nos.1 and 2, for a period of one year and one month, no order was passed on the said application. Then a request was made by filing another

application that in view of lapse of the long time, the accused may be permitted to provide an opportunity to refresh the memory of the learned Sessions Judge. On the said application, no orders were passed. However, looking to the materials collected during investigation, it would show that there is no application of mind by the Learned Sessions Judge. So far as accused No.2 is concerned, though there is an order passed by the Apex Court, setting aside the order of taking cognizance against accused No.2 for the offence under section 212 of IPC, again the judge has held that there is prima facie case to frame charge even for the offence punishable under Section 212 of IPC. Referring to these materials, the learned Senior Advocate made submission that it is one of the examples that there is no mental application of the learned Sessions Judge to the materials available in the said case.

It is the submission of the learned Senior Advocate Sri C.V. Nagesh that so far as the alleged offence under Section 506 of IPC is concerned, absolutely, there is no material collected during investigation, but, in spite of that, it is mechanically held by the Learned Sessions Judge that there is prima facie case as against accused Nos.1 and 2 even for the offence punishable under Section 506 of IPC.

The learned Senior Advocate further submitted that when the accused filed an application under Section 91 of Cr.P.C., which came to be rejected by the Learned Sessions Judge, the said order of rejection was challenged before this Court and in the said case, this Court when directed the investigating officer to file a status report and at that time, by filing an affidavit before this Court, the investigating officer made it clear to the Court that he has also recorded statement of 48 witness and also collected the documents during investigation, but those materials

are not forming the part and parcel of the charge sheet. Hence, the learned Senior Advocate made submission that against the order of rejection on the application filed under Section 91 of Cr.P.C., the criminal petition filed before this Court was allowed. In spite of such direction by this Court to the Learned Sessions Judge to secure the statement of 48 witnesses and also one medical record from the investigating officer and to consider those materials as to whether they were of sterling quality, even then the Learned Sessions Judge has not at all considered those materials and they were simply kept in a sealed cover without opening and without looking to the materials kept in the sealed cover. Hence, he made submission that if those materials are called before this Court, it will amply make it clear that there is no case as against revision petitioners-accused Nos.1 and 2.

With regard to the contention of the prosecution that accused are not permitted to produce any material at the stage of considering application for discharge and framing of the charge, it is only the prosecution material that has to be looked into by the Court, the learned Senior Advocate made submission that, that is not the correct position of law as interpreted by the Apex Court as well as this Court. In this connection, he made submission that when the order passed by this Court in criminal petition in support of application filed under Section 91 of Cr.P.C. has not been set aside by the Apex Court and the materials, if any, produced by the accused person are of the sterling quality, such material can be looked into by the Learned Sessions Judge. He also made submission that in this case, the revision petitioners-accused Nos.1 and 2 have not produced any such material before the Court. But it is the contention of accused Nos.1 and 2 that any material

produced before the investigating officer by way of their statement or other statements or the documents produced have to be considered by the Court, if the said material is of a sterling quality. This legal position has been completely ignored by the Learned Sessions Judge and wrongly held that except the charge sheet materials, the other material cannot be looked into by it. The said view of the Learned Sessions Judge is incorrect.

Leaned Senior Advocate also submits that out of statement of 48 witnesses collected by the investigating officer during investigation, not even a statement of single witness has been looked into by the Learned Sessions Judge and even the certified copies of the said statements were not furnished to accused Nos.1 and 2. If accused Nos.1 and 2 were not having the knowledge of contents in the statement of those 48 witnesses so also the medical records, they cannot get prepared to argue their case

more effectively and satisfactorily seeking their discharge from the proceedings. Therefore, interest of accused Nos.1 and 2 is prejudiced because of non furnishing of copies of the statement of 48 witnesses.

With regard to the medical report of C.W.3 which is pertaining to years 2003 to 2010 maintained by the University of Michigan Hospitals and Health Centers at America, the learned Senior Advocate submitted that the Apex Court of America secured those documents by issuing the process. Hence, it cannot be said that these medical records or the reports are not said to be authenticated documents and it also cannot be said that those documents are produced by accused Nos.1 and 2 because they were secured by issuing process by the order of the Apex Court.

It is also the submission of learned Senior Advocate that in the year 2009, there was other document of conversation between C.W.3 and

C.W.119. Therefore, admittedly, the said document containing the conversation is in between C.W.3 and C.W.119 and the said document is of sterling quality, which ought to have been considered by the Learned Sessions Judge.

The learned Senior Advocate also made submission that looking to the order of the Learned Sessions Judge, except referring to the complaint averments and the statement of C.W.3, it has not referred to any other materials i.e., statement of witnesses and the documents produced in the case. Hence, the entire materials were not at all perused by the Learned Sessions Judge and the requirements of Section 227 of Cr.P.C. to consider the record of the case is not at all complied with in this case. With regard to the alleged offence under Section 506 of IPC is concerned, no material has been placed by the prosecution, but in spite of that the Learned Sessions Judge framed the charge even for the offence

punishable under Section 506 of IPC, which is patently illegal and without any material.

Learned Senior Advocate made the submission that looking to the prosecution material, it is contended that accused No.1 obtained the consent of the victim by committing fraud on her. In this connection, he drew the attention of this Court to section 375 of IPC and submitted that there is no mention in the said section that if the consent is obtained by committing fraud on the victim, then there is no consent at all but it is rape. Hence, he submitted that the said contention of the prosecution that accused No.1 committed rape on the victim by obtaining the consent by exercising fraud on her, cannot be accepted at all. With regard to the alleged offence of rape is concerned, learned Senior Advocate made submission that looking to the statement of the victim, it goes to show that she is a lady of easy virtue and she was suffering from the severe disease i.e.,

herpes and because of the said disease, continuously, she was under treatment in the University of Michigan Hospitals and Health Centers at America and the medical records issued from the said hospital at America clearly goes to show that she has made false allegation against accused No.1 that he has committed rape on her. Learned Senior Advocate submitted that in the statement of the victim itself, she has stated that she used to go to the clubs in America and when her empty bag was checked, it contained the alcohol bottles and also the condoms and hence, he submitted that when these are the facts, the contention of the victim that she was subjected to the sexual act by accused No.1 cannot be accepted at all.

Learned Senior Advocate submitted that the medical records from the American hospital i.e., University of Michigan Hospitals and Health Centers, were obtained as per the process issued by

the American Court by filing an application before the said Court. In the said case, certified copies of the such documents were obtained and hence, the learned Senior Advocate submitted that when such documents are before the learned Sessions Judge, he wrongly rejected to consider those materials on the ground that some private persons produced those documents and they are not at all produced by the investigation officer. Regarding rejection of the said material also, learned Senior Advocate submitted that the learned Sessions Judge has relied upon the decision of the Hon'ble Apex Court in case of ***STATE OF ORISSA VS. DEBENDRA NATH PADHI*** reported in ***(2005)1 SCC 568***. But in this connection, learned Senior Advocate drew the attention of this Court to the subsequent two decisions of the Hon'ble Apex Court. They are ***RUKMINI NARVEKAR VS. VIJAY SATAREDKAR AND OTHERS*** reported in **AIR 2009 SC 1013** and ***HARSHENDRA KUMAR D. VS.***

***REBATILATA KOLEY, ETC.*** reported in ***2011 AIR SCW 1199.*** Drawing the attention of this Court to para No.17 of Rukmini Narvekar's case so also para No.22 of Harshendra Kumar's case, he made submission that if the documents even if produced by the accused at the time of framing of the charge and if those documents were of a sterling quality, such documents shall have to be taken into consideration. The learned Sessions Judge has not considered this legal aspect while passing the order on the application filed under Sections 227 and 228 of Cr.P.C.

It is also the submission of the learned Senior Advocate that on the application filed by the accused persons under Section 91 of Cr.P.C. seeking a direction against the investigating officer to produce some of the documents as mentioned in the application and when the said application came to be rejected by the learned Sessions Judge, a criminal

petition was preferred before this Court in Crl.P. No.938/2016. The said criminal petition came to be allowed by this Court on 21.07.2016 setting aside the order of the learned Sessions Judge. Learned Senior Advocate further made submission that in the said order itself, a direction was issued to the trial Court to summon the statement of 32 witnesses which were available to the investigating officer and it was further directed that so far as six witnesses, medical records of Arathi Rao, medical records of accused No.1 and e-mail correspondence between Arathi Rao and Vinay Bharadwaj is concerned, the trial Court shall look into the case diary and investigating material and if it is found that those documents are available, the same can be secured and considered. Learned Senior Advocate submitted that in spite of such direction and the statement of 48 witnesses and the medical records produced before the learned Sessions Judge, the same were not considered while passing the order

impugned. He further submitted that no doubt the prosecution preferred the SLP before the Hon'ble Apex Court. However, the Hon'ble Apex Court has not set aside the order of this Court, but only the view taken by this Court has been set aside. Hence, he submitted that the materials by way of recording the statement of 48 witnesses which are not forming part of the charge sheet material ought to have been considered by the learned Sessions Judge.

So far as the alleged offence under Section 376 of IPC is concerned, learned Senior Advocate drew the attention of this Court to the medical records, and submitted that the medical records issued from the hospitals also support the contention of accused No.1 and the committee appointed of the medical officers is to investigate as to what are the reasons for impotency. Hence, he submitted that even looking to the medical records also, it cannot be said that the prosecution has placed the prima facie material for

the alleged offence under Section 376 IPC. Hence, it is his submission that firstly, there is no material placed by the prosecution to show the alleged sexual intercourse by accused No.1 as against the victim. In case, if this Court, after perusal of the material, comes to conclusion that there is material about the alleged sexual intercourse, then in that case, the learned Senior Advocate alternatively pleaded that it is with the consent of the victim. Therefore, it cannot be the offence of the rape. In this connection, he submitted that the victim is a major, she is highly qualified, she travelled even abroad having sound knowledge about the worldly affairs. If there is any such forcible intercourse on her by accused No.1, her natural conduct that immediately she should have made such complaint at the earliest point of time. From the year 2003 to 2010, she had not made any such complaint. Hence, he submitted that even if there is any such sex in between accused No.1 and

the victim, the material goes to show that it is consensual in nature and therefore, it cannot be an offence under Section 376 of IPC.

It is also the contention of the learned Senior Advocate that so far as the unnatural offence under Section 377 of IPC is concerned, again the medical records issued from the Victoria hospital are not supporting the prosecution case. Hence, he submitted that even if the entire charge sheet material is considered as it is, even, without the cross examination of the prosecution witnesses, it will not result in conviction of the accused persons and hence, there is no material to frame the charges against accused Nos.1 and 2. Hence, he submitted that all these legal aspects so also the material factual aspects were completely ignored by the learned Sessions Judge and has wrongly rejected the application.

In support of his contention, learned Senior Advocate relied upon the following decisions:

1. Barun Chandra Thakur Vs. Central Bureau of Invetigation and others reported in AIR 2007 SC 5735.
2. Sundeep Kumar Bafna Vs. State of Maharastra and another reported in (2014) 16 SCC 623
3. Century Spinning & Manufacturing Co. Ltd., Vs. The State of Maharashtra reported in AIR 1972 SC 545
4. State of Karnataka Vs. L.Muniswamy and others reported in AIR 1977 SC 1489
5. Union of India Vs. Prafulla Kumar Samal and another reported in AIR 1979 SC 366
6. Niranjan Karam Singh Vs. Jitendra Bhimraj Bijje reported in 1990 SCC (4) 76
7. Judgment dated 11.3.1997 of Hon'ble Supreme Court of India in the case of State of Maharashtra Vs. Priya Sharan Maharaj and others
8. Judgment dated 17.3.2000 of Hon'ble Supreme Court of India in the case of State of M.P. Vs. S.B.Johari and others

9. State of Madhya Pradesh Vs.Mohan Lal Soni reported in AIR 2000 SC 2583
10. Judgment dated 14.12.2007 of Hon'ble Supreme Court of India in Appeal (Crl.)No.1716/2007 in the case of Onkar Nath Mishra and others Vs. State (NCT of Delhi) and another
11. State of M.P. Vs. Sheetla Sahai and others reported in 2009 AIR SCW 5514
12. Sajjan Kumar Vs. Central Bureau of Investigation decided on 20.09.2010 by Hon'ble Supreme Court of India in its Criminal Appellate Jurisdiction
13. Judgment dated 17.12.2014 of Hon'ble Supreme Court of India in Crl.A.No.2602/2014 in the case of State Tr. Insp. Of Police Vs. A.Arun Kumar and another
14. Judgment dated 15.12.2017 of Hon'ble Supreme Court of India in Criminal Appeal No.2190/2017 in the case of State by the Inspector of Police, Chennai Vs. S.Selvi and another

15. Rukmini Narvekar Vs. Vijay Sataredkar and others reported in AIR 2009 SC 1013
16. Harshendra Kumar D Vs. Rebatilata Koley etc., reported in 2011 AIR SCW 1199
17. Unreported judgment of the Hon'ble High Court of
    Karnataka, Kalaburgi Bench, delivered on 27.8.2015 in Tulsiram Vs. The State by Police Inspector, Karnataka Lokayuktha Police Station,
    Bidar
18. Uday Vs. State of Karnataka
    reported in AIR 2003 SC 1639
19. Unreported judgment of Hon'ble Supreme Court of
    India in Deelip Singh @ Dilip Kumar Vs. State of Bihar delivered on 3.11.2004
20. Prashant Bharti Vs. State of NCT of Delhi
    reported in AIR 2013 SC 2753 dated 23.1.2013
21. Sanganna Vs. State by Wadi Police Station
    reported in 2014(1) Kar.L.J.164
22. State by Circle Inspector of Police, Brahmavar Circle Vs. Vishwanatha Poojary reported in 2014(1) Kar.L.J.111 (DB)
23. Md. Ali Alias Guddu Vs. State of U.P.

reported in 2015 AIR SCW 1711

24. Tilak Raj Vs. State of Himachal Pradesh
reported in AIR 2016 SC 406

25. Judgment/Order dated 6.4.2018 passed by Hon'ble Supreme Court of India in the case of Shivashankar alias Shiva Vs. State of Karnataka in Criminal Appeal No.504/2018

26. Amit Kapoor Vs. Ramesh Chander and another
reported in (2013) 1 SCC (Cri) 986

27. Vinay Tyagi Vs. Irshad Ali alias Deepak and others
reported in 2013 Crl.L.J. 754

28. State of Rajasthan Vs. Fatehkaran Mehdu
reported in 2017(2) Supreme 155

29. Mauvin Godinho Vs. State of Goa
reported in 2018(2) Supreme 122

30. Judgment dated 6.5.1976 of the Hon'ble Supreme
Court of India in the case of R.C.Sharma Vs. Union of India and others

31. Judgment dated 6.8.2001 of the Hon'ble Supreme
Court of India in Criminal Appeal No.389/1988 in the case of Anil Rai Vs. State of Bihar

32. Judgment dated 11.4.1994 of the Hon'ble Apex Court in Civil Appeal No.2498/1994 in the case of Kunwar Singh and others Vs. Sri Thakurji Maharaj

11. Learned Senior Advocate Sri. Ashok Haranahalli representing accused Nos.4 and 6 in Crl.R.P. No.224/2018 submitted that perusing the entire charge sheet material, there is no prima facie case made out as against accused Nos.4 and 6. The main allegations are against the other accused persons and not against accused Nos.4 and 6. Learned Senior Advocate drew attention of this Court to page Nos.232, 214 and 207 of the material produced along with the petition and submitted that so far as non disclosure agreement is concerned, even if it is alleged as against accused No.6 that on behalf of the Ashram of accused No.1, accused No.6 alleged to have obtained the non disclosure agreements from the disciples, but the non disclosure

agreements are nothing to do as the entire case is different.

It is also submitted by the learned Senior Advocate that accused No.6 being a woman, the charges levelled against her for the offences under Sections 376 and 377 of the IPC are not at all made applicable. Hence, he submitted that there is no prima facie material for framing the charge against accused Nos.4 and 6 and hence, the petition be allowed and the order of the learned Sessions Judge rejecting their application filed under Section 227 of the Cr.P.C. be set aside by allowing the said application.

In support of his contentions, learned Senior Advocate has relied upon the following decisions:

1. K.R.Purushothaman Vs. State of Kerala reported in (2005) 12 SCC 631 (para 13)
2. Gulam Sarbar Vs. State of Bihar reported in (2014)3 SCC 401 (para 11)
3. Ram Saran Mahto & another Vs. State of Bihar reported in (1999)9 SCC 486 (para 11)
4. A.N.Narayanaswamy & another Vs. State of Karnataka by Rural Police, Chikkaballapur Taluk reported in ILR 2015 KAR 2713 (para12)
5. Union of India Vs. Prafulla Kumar Samal and another reported in (1979)3 SCC 4 (para 10)
6. Priya Patel Vs. State of MP and another reported in (2006) 6 SCC 263 (para 8)
7. Afrahim Sheik and others Vs. State of West Bengal reported in AIR 1964 SC 1263 (para 6)
8. Pepsi Foods Ltd. and another Vs. Special Judicial Magistrate and others reported in (1998) 5 SCC 749 (para 26, 29 & 30).

12. Learned Senior Advocate Smt. Pramila Nesargi, submitted that so far as Ms. Ranjitha is concerned, she is totally unconnected with the alleged offences. Unnecessarily, she has been dragged into these cases falsely alleging that she is

the victim of the case and she has already filed an application before the Learned Sessions Judge for taking action as prayed for in her application. But even then, her application is not at all considered.

13. Per contra, learned SPP-II Sri Sandesh J. Chouta, in his submission that so far as the documents said to have been collected for the treatment of the victim at America, drew the attention of this Court page No.26 of the compilation and submitted that the couriers from United States have come directly to the Courts. He also drew the attention of this Court to the order sheet of the learned Sessions Judge in this regard and made submission that those records are not at all produced by the investigating officer, but some private persons directly sent them to the Court which is evident from the order sheet entries maintained by the learned Sessions Judge. Therefore, he made submission

that when those documents were not received from the investigating officer, that was the reason for the learned Sessions Judge not to consider those documents while passing the order on the applications seeking discharge.

With regard to powers of the revisional Court, he made submission that normally, the revisional court will interfere if there is any illegality committed by the Learned Sessions Judge. Even on the factual aspect, if the decision taken by the trial Court is legal, the revisional Court will not interfere with the said order. It is also his submission that the revisional Court is having a limited jurisdiction and he made submission that if there is challenge to the jurisdiction of the trial Court for passing the orders, in that case, the revisional Court can interfere for considering the said aspect of the matter. In the case on hand, the learned Sessions Judge is having the

jurisdiction to consider the application of the accused and to pass the orders on the application.

Leaned SPP-II also made submission that so far as accused No.1 is concerned, there is sufficient material produced by the prosecution to show his involvement in committing the alleged offences. He drew the attention of this Court to the non disclosure agreements and made submission that the disciples of the Ashram of accused No.1 were not made known to the contents of the non disclosure agreements and simply obtained their signatures to such documents and prevented the witnesses from disclosing the said facts before anybody. He made further submission that the statement of the witnesses collected by the investigating officer during investigation goes to show prima facie case against all the accused persons about their involvement in committing the alleged offences.

So far as the application filed by the accused under Section 91 of Cr.P.C. seeking production of the documents from the investigation officer, it is submitted by the learned SPP-II that it came to be rejected by the learned Sessions Judge and when the criminal petition was preferred before this Court and when this Court allowed the said criminal petition and issued a direction to the concerned trial Court for issuing summons to the investigation officer for securing the statement of witnesses, the said order had been challenged before the Hon'ble Apex Court in Crl. Appeal No.2114/2017 arising out of SLP (Crl.) No.8279/2016 so also Crl. Appeal No.2115/2017 arising out of SLP (Crl.) No.1176/2017. The Hon'ble Apex Court held that the impugned judgment cannot be sustained and accordingly, the impugned judgment was set aside as observed in paragraph 10 of the said order.

It is also the submission of the learned SPP-II that even earlier, there were four criminal petitions filed by the accused persons invoking the jurisdiction of this Court under Section 482 of Cr.P.C. seeking to quash the proceedings initiated against them. On the said petitions, common order came to be passed on 16.7.2014 dismissing all the four criminal petitions. When the said order has been challenged by the accused persons by preferring the SLP (Crl.) No.5844/2014, 5897/2014, 5900/2014 and SLP (Crl.) No.6001/2014, the Hon'ble Apex Court by its order dated 3.9.2014, except quashing the charge under Section 212 of IPC against accused No.2, dismissed all the petitions. Learned SPP-II drew the attention of this Court to the relevant paragraphs in the order dated 3.9.2014 passed by the Hon'ble Apex Court. So far as the alleged offence under Section 212 of IPC as against accused No.2 is concerned, he fairly conceded that the order of the learned Sessions

Judge is wrong and to that extent, the petition filed by accused No.2 may be allowed and the said order of the learned Sessions Judge to that extent may be set aside. So far as the other offences against all other accused persons, he submitted that when the Hon'ble Apex Court itself has held that there is material against the accused persons and these are not the case for quashing the proceedings invoking Section 482 of Cr.P.C. by the High Court, again the petitioners herein cannot contend that there is no prima facie material against them.

Learned SPP-II further made submission that looking to the statement of witnesses collected by the investigating officer during investigation and more particularly, the statement of C.W.1, C.W.3 and C.W.119, C.Ws.8, to 11, they clearly goes to show the involvement of all the accused in committing the alleged offences.

It is further submitted by learned SPP-II that while considering the application under Sections 227 and 228 of Cr.P.C., the Court is not suppose to make a roving enquiry, not to conduct a mini trial at that stage. The Court has to consider the materials for the limited purpose that whether the materials show the grave suspicion that the accused persons have committed the alleged offences or not.

He made submission that accused No.1 formed the Trust along with accused Nos.4 and 6 and under the guise of spiritual enlightenment, he started to misbehave with the members of the Trust and more particularly, with female members of the said Trust, indulged in sexual activities by brain washing the female members. He made submission that C.W.1 who suspected the activities of accused No.1 about his involvement in sexual acts with the female members kept the video recording secretly in the room of accused No.1 and got the scenes recorded in

the video and CDs were produced before the investigation officer. These materials prima face goes to show the involvement of the accused in such criminal activities and there is also criminal conspiracy by accused No.1 with other accused persons who aided him in doing such sexual acts. Therefore, even accused Nos. 2 to 6 are also responsible for the acts of accused No.1 and they have committed the said offences.

Learned SPP-II further made submission that the non disclosure agreements got executed are said to be entered into between accused No.1 and the disciples of Ashram and the contents of the said agreements itself show the involvement of accused No.1 in the sexual activities. The learned SPP-II drew the attention of this Court to the contents of the non disclosure agreements. The contents of those documents were not made known to the persons who have executed the said documents. The signatures of

the executants were obtained without explaining the contents to them. It is his contention that even accused No.1 gone to the extent of taking the contention that he is impotent, not capable to perform sexual act, then the prosecution moved an application seeking permission of the Court for medical examination of accused No.1 and ultimately obtained the report in that regard that he is capable to perform the sexual act. Hence he submitted that all these materials put together, prima facie, make out a case about the accused persons committing the said offences.

Referring to the order of the learned Sessions Judge, learned SPP-II made submission that he has referred to all the material and passed a considered order holding that there is material to frame the charge against the accused persons. Hence, there is no illegality committed by the learned Sessions Judge and therefore, there are no grounds for this Court to

interfere with the well reasoned order passed by the learned Sessions Judge.

So far as the submission made by learned Senior advocate Smt. Pramila Nesargi, learned SPP-II submitted that she is a cine actor and she is not at all concerned with these petitions and she has not at all filed any application.

Learned SPP-II drew the attention of this Court to the laboratory reports at page Nos.267 and 275 and submitted that these medical records are produced from some persons claim to be members of the Trust directly sent to the Court. He drew the attention of this Court to the order sheet entries of the learned Sessions Judge and submitted that these documents are not produced by the investigating officer. Hence, he submitted that who are the persons who sent those documents directly to the court is also to be considered during the course of the trial and not at this stage.

It is also the submission of the learned SPP-II that the petitioners-accused have filed the above petitions mainly with an intention to drag on the matter. Even earlier also, the accused persons filed applications after applications and they are causing delay in proceeding with the matters which has been observed by the Hon'ble Apex Court and the Hon'ble Apex Court expressed its dissatisfaction in respect of the matters being not proceeded with. Hence, he submitted that there is no merit in all the above three revision petitions and they are liable to be rejected.

In support of his contentions, the learned SPP-II has relied upon the following decisions:

1. Superintendent & Remembrancer of Legal Affairs, West Bengal Vs. Anil Kumar Bhunja and others reported in (1979)4 SCC 274
2. State of Himachal Pradesh Vs. Krishan Lal Pradhan and others reported in (1987)2 SCC 17
3. Niranjan Singh Karam Singh Punajabi Vs. Jitendra Bhimraj Bijjaya and others reported in (1990)4 SCC 76

4. State of Maharashtra and others Vs. Som Nath Thapa and others reported in (1996)4 SCC 659

5. State of Maharastra vs. Priya Sharan Maharaj and Others reported in (1997)4 SCC 393

6. State of M.P. Vs. S.B. Johari and others reported in (2000)2 SCC 57

7. Om Wati (Smt) And Another Vs. State through Delhi Admn. And Others reported in (2001)4 SCC 333

8. State of Orissa vs. Debendra Nath Padhi reported in (2005)1 SCC 568

9. Soma Chakravarty vs. State Through CBI reported in 2007(5) SCC 403

10. Onkar Nath Mishra and others Vs. State (NCT of Delhi) and another reported in (2008)2 SCC 561

11. Sajjan Kumar Vs. Central Bureau of Investigation reported in (2010)9 SCC 368

12. State of Uttar Pradesh Vs. Chhotey Lal reported in (2011)2 SCC 550

13. Amith Kapoor Vs. Ramesh Chander and Another reported in (2012)9 SCC 460

14. Sanjay Sinha Ramrao Chowhan Vs. Datatreya Gulabrao reported in (2015)3 SCC 123

15. State through Inspector of Police Vs. A. Arun Kumar and another reported in (2015)2 SCC 417

16. State of U.P. Vs. Noushad reported in 2014 Crl.L.J. 540 SC

17. State by Inspector of Police, Chennai Vs. S. Selvi and another reported in AIR 2018 SC 81

18. Santosh De and another Vs. Archna Guha and others reported in (1994)2 SCC 420

19. Asian Resurfacing of Road Agency Pvt. Ltd. and another Vs. Central Bureau of Investigation reported in 2018 SCC Online SC 310

20. State of Maharastra Vs. Madhukar Narayan Mardikar reported in (1991)1 SCC 57

21. Suresh Kumar Koushal Vs. Naz Foundation and others reported in (2014)1 SCC 1

14. In reply to the arguments of learned SPP-II, learned Senior Advocate Sri C.V. Nagesh made the submission that so far as the allegation of

miscarriage to C.W.3 is concerned, none of the accused caused miscarriage. In this connection, the learned Senior Advocate drew the attention of this Court to Section 312 of IPC and submitted that the materials collected by way of statement of the witnesses will not make out the case of the offence punishable under Section 312 of IPC. He also drew the attention of this Court to page No.24 of the statement of C.W.3 regarding pregnancy termination and on that also, he submitted that no such offence has been committed. Regarding the extra judicial confession of accused No.1 alleged to have been made before the witness Kishan Reddy, the learned Senior Advocate drew the attention of this Court to the statement of Kishan Reddy and submitted that the alleged extra judicial confession by accused No.1 is made before one Shinde, who is not at all cited as a charge sheet witness, and not made before the witness Kishan Reddy.

Regarding the contention of the learned SPP-II that the accused persons filed the above revision petitions with an intention to drag on the matter and to cause delay in disposal of the main criminal cases, the learned Senior Advocate made submission that it is not the accused who caused the delay but it is the prosecution which is responsible for the said delay.

15. Learned Senior Advocate Sri Ravi B. Naik also produced a memo dated 7.3.2018 and he also, in reply, refers to the statement of witnesses referred in the memo. He submitted that the statement of the witnesses and the relevant paragraphs in the said statements clearly shows the false implication of accused Nos.3 and 5 and hence, he submitted to set aside the order passed by the learned Sessions Judge as it relates to accused Nos.3 and 5 and discharge them from the proceedings.

16. I have perused the grounds urged in the above three revision petitions, impugned order of the learned Sessions Judge rejecting the application filed under Section 227 of the Cr.P.C., the entire charge sheet materials containing the statement of witnesses and the documents collected by the investigating officer during investigation. I have also perused the decisions relied upon by the learned Senior Advocates and the learned SPP-II, which are referred above. I have further considered the oral submissions made by the learned Senior Advocates and also the learned SPP-II, at the Bar, which is also referred above.

17. So far as the contention of the learned SPP-II that the revision petitions are filed with an intention to drag on the matter and to cause delay is concerned, and also the reply by the learned Senior advocate that there is no such delay caused by the accused but it is the prosecution itself caused such

delay, I have perused the order of the Hon'ble Apex Court dated 03.09.2014 in SLP (Crl.) Nos.5844/2014, 5897/2014, 5900/2014 and No.6001/2014. At paragraph No.22 of the said order, the Hon'ble Apex Court has observed as under:

> " Before parting, we must express our extreme displeasure about the manner in which the instant proceedings are dealt with by the accused as well as the prosecution. The complaint was registered in 2010. charge sheet is filed in the year 2010. However, there is no progress in the case. The prosecution is still require to conduct further investigation. The accused are obviously not co-operating with the investigating agency. Accused No.1 must subject himself to medical examination. Objections were raised to the appointment of the public prosecutor. For a considerable period, the appointment of the prosecutor was stayed. We are informed that now, a new prosecutor is appointed. We find the approach of the prosecution also to be lackadaisical. The prosecution

> must gear up its efforts so that the trial begins. This case brooks no further delay. The accused are also expected to co-operate with the Court or else adverse inference may have to be drawn against them. We hope and trust that the prosecution and the accused co-operate with the Court so that the trial is concluded in near future. We make it clear that if any observations made by us touch the merits of the case, they are not our final observations as they are made while dealing with the prayer made for quashing of the proceedings. If any applications for discharge are made, the trial Court shall deal with them independently and in accordance with law."

Therefore, looking to the observations of the Hon'ble Apex Court, both the prosecution as well as the accused are responsible for the delay of the proceedings.

18. With regard to the contentions of the learned SPP-II that while considering the application under Sections 227 and 228 of Cr.P.C., the Court has to consider only the charge sheet material collected by the investigation officer during investigation and the accused cannot produce the documents at that stage for the consideration of the Court, is concerned, I have perused the decisions produced on both sides, which are referred above.

The decision of the Full Bench of the Hon'ble Apex Court in case of ***STATE OF ORISSA VS. DEBENDRA NATH PADHI*** reported in ***(2005)1 SCC 568*** is relevant for our purpose. Paragraph Nos.8, 15, 16, 18 and 25 of the said decision read as under:

> " 8. What is to the meaning of the expression 'the record of the case' as used in Section 227 of the Code. Though the word 'case' is not defined in the Code but Section 209 throws light on the interpretation to be placed on the said word. Section 209 which deals with the

commitment of case to Court of Session when offence is triable exclusively by it, inter alia, provides that when it appears to the Magistrate that the offence is triable exclusively by the Court of Session, he shall commit 'the case' to the Court of Session and send to that court 'the record of the case' and the document and articles, if any, which are to be produced in evidence and notify the Public Prosecutor of the commitment of the case to the Court of Session. It is evident that the record of the case and documents submitted therewith as postulated in Section 227 relate to the case and the documents referred in Section 209. That is the plain meaning of Section 227 read with Section 209 of the Code. No provision in the Code grants to the accused any right to file any material or document at the stage of framing of charge. That right is granted only at the stage of the trial.

15. In State of Maharashtra v. Priya Sharan Maharaj and Others [(1997) 4 SCC 393], it was held that at stage, the Court is required to evaluate the material and

documents on record with a view to finding out if the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. The court may, for this limited purpose, sift the evidence as it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or the broad probabilities of the case.

16. All the decisions, when they hold that there can only be limited evaluation of materials and documents on record and sifting of evidence to prima facie find out whether sufficient ground exists or not for the purpose of proceeding further with the trial, have so held with reference to materials and documents produced by the prosecution and not the accused. The decisions proceed on the basis of settled legal position that the material as produced by the prosecution alone is to be considered and not the one produced by the accused. The latter aspect relating to the accused though has not been

specifically stated, yet it is implicit in the decisions. It seems to have not been specifically so stated as it was taken to be well settled proposition. This aspect, however, has been adverted to in State Anti-Corruption Bureau, Hyderabad and Another v. P. Suryaprakasam where considering the scope of Sections 239 and 240 of the Code it was held that at the time of framing of charge, what the trial court is required to, and can consider are only the police report referred to under Section 173 of the Code and the documents sent with it. The only right the accused has at that stage is of being heard and nothing beyond that (emphasis supplied). The judgment of the High Court quashing the proceedings by looking into the documents filed by the accused in support of his claim that no case was made out against him even before the trial had commenced was reversed by this Court. It may be noticed here that learned counsel for the parties addressed the arguments on the basis that the principles applicable

would be same - whether the case be under Sections 227 and 228 or under Sections 239 and 240 of the Code.

18. We are unable to accept the aforesaid contention. The reliance on Articles 14 and 21 is misplaced. The scheme of the Code and object with which Section 227 was incorporated and Sections 207 and 207 (A) omitted have already been noticed. Further, at the stage of framing of charge roving and fishing inquiry is impermissible. If the contention of the accused is accepted, there would be a mini trial at the stage of framing of charge. That would defeat the object of the Code. It is well-settled that at the stage of framing of charge the defence of the accused cannot be put forth. The acceptance of the contention of the learned counsel for the accused would mean permitting the accused to adduce his defence at the stage of framing of charge and for examination thereof at that stage which is against the criminal jurisprudence. By way of illustration, it

may be noted that the plea of alibi taken by the accused may have to be examined at the stage of framing of charge if the contention of the accused is accepted despite the well settled proposition that it is for the accused to lead evidence at the trial to sustain such a plea. The accused would be entitled to produce materials and documents in proof of such a plea at the stage of framing of the charge, in case we accept the contention put forth on behalf of the accused. That has never been the intention of the law well settled for over one hundred years now. It is in this light that the provision about hearing the submissions of the accused as postulated by Section 227 is to be understood. It only means hearing the submissions of the accused on the record of the case as filed by the prosecution and documents submitted therewith and nothing more. The expression 'hearing the submissions of the accused' cannot mean opportunity to file material to be granted to the accused and thereby changing the settled law. At the

stage of framing of charge, hearing the submissions of the accused has to be confined to the material produced by the police.

25. Any document or other thing envisaged under the aforesaid provision can be ordered to be produced on finding that the same is 'necessary or desirable for the purpose of investigation, inquiry, trial or other proceedings under the Code'. The first and foremost requirement of the section is about the document being necessary or desirable. The necessity or desirability would have to be seen with reference to the stage when a prayer is made for the production. If any document is necessary or desirable for the defence of the accused, the question of invoking Section 91 at the initial stage of framing of a charge would not arise since defence of the accused is not relevant at that stage. When the section refers to investigation, inquiry, trial or other proceedings, it is to be borne in mind that under the section a police officer may move

the Court for summoning and production of a document as may be necessary at any of the stages mentioned in the section. In so far as the accused is concerned, his entitlement to seek order under Section 91 would ordinarily not come till the stage of defence. When the section talks of the document being necessary and desirable, it is implicit that necessity and desirability is to be examined considering the stage when such a prayer for summoning and production is made and the party who makes it whether police or accused. If under Section 227 what is necessary and relevant is only the record produced in terms of Section 173 of the Code, the accused cannot at that stage invoke Section 91 to seek production of any document to show his innocence. Under Section 91 summons for production of document can be issued by Court and under a written order an officer in charge of police station can also direct production thereof. Section 91 does not confer any right on the accused to produce document

> in his possession to prove his defence. Section 91 presupposes that when the document is not produced process may be initiated to compel production thereof. "

19. However, learned Senior Advocate Sri C.V. Nagesh refers to two decisions of the Hon'ble Supreme Court ***RUKMINI NARVEKAR VS. VIJAY SATAREDKAR AND OTHERS*** reported in **AIR 2009 SC 1013.** Paragraph Nos.17 and 18 of the said decision are as under:

> " 17. Thus, in our opinion, while it is true that ordinarily defence material cannot be looked into by the Court while framing of the charge in view of D.N. Padhi's case (supra), there may be some very rare and exceptional cases where some defence material when shown to the trial Court would convincingly demonstrate that the prosecution version is totally absurd or preposterous and in such very rare cases, the defence material

can be looked into by the Court at the time of framing of charges or taking cognizance.

18. In our opinion, therefore, it cannot be said as an absolute proposition that under no circumstances can the Court look into the material produced by the defence at the time of framing of the charges, though this would be done in very rare cases, i.e., fairly defence produces some material which convincingly demonstrates that the whole prosecution case is totally absurd or totally concocted. We agree with Sri Lalith that in some very rare cases, the Court is justified in looking into the material produced by the defence at the time of framing of the charges, if such material convincingly establishes that the whole prosecution version is totally absurd, preposterous or concocted."

20. In another decision, the Hon'ble Supreme Court in case of ***HARSHENDRA KUMAR D. Vs. REBATILATA KOLEY, ETC.*** reported in ***2011 AIR***

***SCW 1199***, at paragraph No.22 of the said decision, has held as under:

> " 22. Criminal prosecution is a serious matter; it affects the liberty of a person. No greater damage can be done to the reputation of a person than dragging him in a criminal case. In our opinion, the High Court fell into grave error in not taking into consideration the uncontroverted documents relating to appellant's resignation from the post of Director of the company. Had these documents been considered by the High Court, it would have been apparent that the appellant has resigned much before the cheques were issued by the company. As noticed above, the appellant resigned from the post of Director on March 2, 2004. The dishonoured cheques were issued by the company on April 30, 2004 i.e., much after the appellant had resigned from the post of Director of the company. The acceptance of the appellant's resignation is duly reflected in the resolution dates March 2, 2004. Then in the prescribed form (form

> No.32), the company informed to the Registrar of Companies on March 4, 2004 about appellant's resignation. It is not even the case of the complainant that the dishonoured cheques were issued by the appellant. These facts leave no manner of doubt that on the date the offence was committed by the company, the appellant was not the Director; he had nothing to do with the affairs of the company. In this view of the matter, if the criminal complaints are allowed to proceed against the appellant, it would result in gross injustice to the appellant and tantamount to an abuse of process of the Court."

21. In these cases, the grievance of the revision petitioners-accused Nos.1 and 2 is that the medical records pertaining to C.W.3 issued from University of Michigan Hospitals and Health Centers at America and the e-mail conversation between C.W.3 and C.W.119 though produced before the learned Sessions Judge were not at all considered by the

learned Sessions Judge. Therefore, it is the contention of the revision petitioners that those documents were of a sterling quality and hence, in view of the principle enunciated in the two Division Bench decisions of the Hon'ble Apex Court, cited supra, the learned Sessions Judge ought to have considered those documents and the documents were wrongly rejected. In view of the said contention, I have perused the two Division Bench decisions of the Hon'ble Apex Court referred above and the relevant paragraphs in the said decisions so also I have considered the Full Bench Decision of the Hon'ble Apex Court in D.N. Padhi's case.

22. Now the question is whether the principles of the two Division Bench decisions of the Hon'ble Apex Court are made applicable to the facts of the case on hand.

So far as the decision in (2011 AIR SCW 1199) *Harshendra Kumar D's case* is concerned, looking to the factual aspects, it is observed that the resignation of the appellant much prior to the issuance of the cheques by the company was an admitted fact. But in the case on hand, the prosecution has not admitted about the documents. It is the contention of the prosecution that those documents were not produced before the trial Court by the investigating officer and those documents were sent by some private persons to the trial Court directly through the courier. Therefore, the trial Court has not considered those documents as produced by the prosecution and accordingly, the trial Court has not at all considered those documents. Regarding another decision (AIR 2009 SC 1013) *Rukmini Narvekar's case* is concerned, the principle enunciated in the said decision by the Division Bench of the Hon'ble apex Court, is that

there may be some rare and exceptional cases where some defence material shown to the trial Court would convincingly demonstrate that the prosecution version is totally absurd or preposterous, but in the case on hand, the factual matrix compared to the factual matrix of the said reported decision, are not exactly one and the same. Apart from that, perusing the prosecution material collected by way of recording the statement of witnesses and also the documents collected during investigation, it cannot be said that there is no case of the prosecution. Even on earlier occasion also, when the revision petitioners accused filed four criminal petitions before this Court seeking quashing of the proceedings by invoking Section 482 of Cr.P.C., this Court after consideration of the material dismissed all those four criminal petitions. Against which, the accused persons preferred SLPs before the Hon'ble Apex Court and in para No.20 of

the order dated 03.09.2014, the Hon'ble Apex Court has observed as under:

> " 20. We have considered the above submissions advanced by the Counsel for the accused that no offence is made out against them in its proper perspective. Having given our anxious consideration to this submission and having perused the material on record, we feel that this is not a case where the proceedings could be quashed against the accused except the charge under section 212 of IPC against accused No.2 which is done for the reasons which we have noted hereinabove. It is not possible for us to accept the submission that there is no evidence against the accused."

23. It is no doubt true that in the very decision, the Hon'ble Apex Court has observed that if any application for discharge are made, the trial Court shall deal with them independently and in accordance with law. When the criminal petitions

were filed earlier under Section 482 of Cr.P.C., the High Court was having unlimited jurisdiction compared to its jurisdiction under Section 227 of Cr.P.C. while exercising revisional jurisdiction. The Hon'ble Apex Court as well as this Court after perusing the entire materials produced by the prosecution came to the conclusion that the contention of the accused that there is no evidence against the accused person cannot be accepted and accordingly rejected the petitions and the SLP also came to be dismissed. Even if perusing the entire prosecution material, the statement of witnesses and the documents collected, the learned Sessions Judge held that there is prima facie case made out by the prosecution against the accused for the alleged offences. It is true that though the Hon'ble Apex Court has set aside the charge under Section 212 of IPC as against accused No.2, again the learned Sessions Judge held that there is material to frame

charge even under Section 212 of IPC as against accused No.2. It may be because the learned Sessions Judge has not correctly read the decision of the Hon'ble Apex Court so far as the said offence under Section 212 of IPC as against accused No.2 is concerned. But only because of that reason and when the prosecution has placed the prima facie material as against all the accused persons for the alleged offences (except the offence under Section 212 of IPC as against accused No.2), it cannot be said that the order of the learned Sessions Judge is without mental application.

24. With regard to other contention of the learned Senior Advocate for accused Nos.1 and 2 that when the criminal petition was pending before this Court as against the order of rejection of the application filed under Section 91 of Cr.P.C., as directed by this Court to submit the status report,

the investigating officer filed an affidavit before this Court stating that he has recorded the statement of 48 witnesses and also collected some documents which are in his custody and they are not forming part of charge sheet. Therefore, this Court issued the direction to the learned Sessions Judge to issue summons to the investigating officer seeking production of those statements and the documents. Accordingly, the investigating officer produced the statement of witnesses so also the documents in the sealed cover. It is the contention that those materials were not considered by the learned Sessions Judge while passing the order on the applications filed under Sections 227 and 228 of Cr.P.C. In this connection, it is no doubt true that the learned Sessions Judge has not perused those statements and the documents. But, it is an admitted fact that those materials are not forming the part of charge sheet filed before the learned Sessions Court. In the

order of the learned Sessions Judge, it is observed that he has perused the charge sheet material. The order passed by this Court in the criminal petition when challenged before the Hon'ble Apex Court, the Hon'ble Apex Court set aside the said order referring to the decision of the Full Bench of the said Court in D.N. Padhi's case. I have already referred to paragraph No.25 of the said case, wherein Their Lordships have discussed in detail about the right of an accused person that whether he can file such an application seeking production of the documents invoking Section 91 of Cr.P.C. at the time of framing of the charge. It has been observed by Their Lordships that, at that stage, the accused has no right to move such an application and the Court has to look into only the charge sheet material for passing order on the application seeking discharge of the accused from the proceedings. It is also observed by Their Lordships, in the said paragraph, that the

accused can seek production of the documents under Section 91 of Cr.P.C. at the time of his defence. Therefore, while framing of the charge, there is no question of the accused having defence, at that stage. In view of the said decision, the Division Bench of the Hon'ble Apex Court set aside the view taken by learned Single Judge of this Court stating that it is contrary to the view taken by the Full Bench of the Hon'ble Apex Court in D.N. Padhi's case. The said statement of 48 witnesses are already in the custody of the learned Sessions Judge and the accused persons can take the assistance of those documents during the course of the trial while setting up of their defence.

25. It is also the contention of the petitioners-accused herein that the learned Sessions Judge has only referred to the statement C.W.3 and C.W.119 and except that, he has not referred to any other

materials. But perusing the order of the learned Sessions Judge, it is not so. He has referred to the statement of the other witnesses and also the documents relied upon by the prosecution like medical records, non disclosure agreements and other documents. When it is stated by the learned Sessions Judge that he has perused the charge sheet materials, only because of the reason that the names of all the witnesses, who have given the statement, and the documents collected, have not been specifically mentioned in the order, that does not mean that the learned Sessions Judge has not looked into the said material that too when it is stated in the order that he has perused the charge sheet material.

26. At the stage of framing of the charge, the Court cannot look into the truthfulness, veracity of the case of the prosecution by making a detailed enquiry, but the Court after considering the materials

shall form that whether the said material will give a strong suspicion that the accused have committed the said offence or not. Even in the Division Bench decision of the Hon'ble Apex Court in case of ***SOMA CHAKRAVARTY Vs. STATE THROUGH CBI*** reported in ***2007(5) SCC 403,*** in paragraph No.10 of the said decision, Their Lordships have observed as under:

> "It may be mentioned that the settled legal position as mentioned in the above decisions, is that if on the basis of the material on record, the Court would form an opinion that the accused might have committed an offence, it can frame the charge, though for conviction the conclusion is required to be proved beyond reasonable doubt that the accused has committed the offence. At the time of framing of the charges, the probative value of the material on record cannot be gone into, and the material brought on record by the prosecution has to be accepted as true at that stage. Before framing a charge the court must apply its judicial

> mind on the material placed on record and must be satisfied that the commitment of the offence by the accused was possible. Whether in fact the accused committed the offence, can only be decided in the trial "

27. The respondent-State has also relied upon another decision of the Hon'ble Apex Court in the case of ***STATE BY INSPECTOR OF POLICE, CHENNAI VS. S. SELVI AND ANOTHER*** reported in ***AIR 2018 SC 81***. In paragraph No.8 of the said decision, it is observed by Their Lordships as under:

> " That at the time of framing of charges, the probative value of the material on record has to be gone into and the Court is not expected to go peep into the matter and hold that the materials would not warrant conviction. The Court is required to evaluate the material on record at the stage of Section 227 or 239 of Code, as the case may be, only with a view to find out if the facts emerging therefrom taken at the face value discloses

> the existence of all the ingredients constituting the alleged offence. It is trite that at the stage of consideration of an application for discharge, the Court has to proceed with the presumption that the material brought on record by the prosecution are true and evaluate such materials with a view to find out whether the facts emerging therefrom taken at their face value disclose existence of the ingredients of the offence. "

28. Therefore, the Hon'ble Apex Court in the said decision made it clear that at the time of framing of the charge, the Court is not suppose to make a roving enquiry, conducting mini trial. But the Court has to see whether the materials make out a prima facie case as against the accused. In this connection, I am also referring to another decision of the Hon'ble Apex Court in case of ***SAJJAN KUMAR VS. CENTRAL BUREAU OF INVESTIGATION*** reported in ***(2010)9***

***SCC 368***. Paragraph No.24 of the said decision reads as under:

> " At the stage of framing of charge under Section 228 Cr.P.C. or while considering the discharge petition filed under section 227, it is not for the magistrate or the Judge concerned to analyze all the materials including the pros and cons, reliability or acceptability, etc. It is at the trial, the Judge concerned has to appreciate their evidentiary value, credibility or otherwise of the statement, veracity of various documents and is free to take a decision one way or the other."

29. I have also perused the decision relied upon by the respondent-State in case of ***STATE OF MAHARASTRA VS. PRIYA SHARAN MAHARAJ AND OTHERS*** reported in ***(1997)4 SCC 393***. Looking to the said decision of the Hon'ble Apex Court, the factual matrix of the said decision is also similar to the cases on hand in the above three criminal

revision petitions. The said decision is also squarely made applicable to the facts of these cases.

30. From the statement of witnesses collected by the investigating officer during investigation, they show that accused No.5 being Personal Assistant to accused No.1, she was instrumental in taking the victim (C.W.3) to the room of accused No.1 under the guise that she has to clean the said room and after sending C.W.3 in the said room, accused No.5 went closing the door. Then accused No.1 asking victim (C.W.3) to latch the door from inside, told her to come nearer him and hugged her and he committed the sexual intercourse on her. This statement goes to show that like this, at various stages, whenever the functions of accused No.1 were organized in India as well as at abroad, in all those places, he used to have the sexual intercourse with the victim girl. While

arguing the case on behalf of accused Nos.1 and 2, the learned Senior Advocate though contended that there was no sexual intercourse by accused No.1 with C.W.3 and even if there was any such sexual intercourse, it was because of consent. In this regard, it can be said that if the consent is obtained under the undue influence, it cannot be said to be the free consent of a victim girl. There are some persons who are said to be in a dominating position over the will of another. So undue influence is working in between them as the one is in dominating position. For example teacher-student, principal-agent, master-servant, spiritual guru-disciple, etc. Therefore, the spiritual guru is always in the dominating position over the will of the disciple. In this connection, I am referring to the decision of the Hon'ble Apex Court in case of ***STATE OF UTTAR PRADESH Vs. CHHOTEY LAL*** reported in ***(2011)2***

***SCC 550.*** Paragraph No.17 of the said decision read as under:

> " This Court in a long line of cases has given wider meaning to the word 'consent' in the context of sexual offences as explained in various judicial dictionaries. In Jowitt's dictionary of English Law (Second Edn.) volume-I (1977) at p.422, the word 'consent' has been explained as an act of reason accompanied with deliberation, the mind weighing, as in a balance, the good or evil on either side. It is further stated that consent supposes three things – a physical power, a mental power; and free and serious use of them and if consent be obtained by intimidation, force, meditated imposition, circumvention, surprise, or undue influence, it is to be treated as delusion and not as a deliberate and free act of the mind. "

Therefore, if the consent is obtained on account of such vitiating factor or the influence, then it cannot

be said to be a free consent of a person to the said act. The prosecution materials collected also show that by taking the non disclosure agreements, the disciples were warned not to disclose whatever that was happening in the Ashram, to others. The materials further show that when C.W.1 suspected the activities of accused No.1, he kept the video recorder in the room of accused No.1 and recorded sexual acts of accused No.1 which has been collected by the investigating officer during investigation. The statement of witnesses would show that after coming to know about the same, accused No1 assaulted C.W.1, slapped on the cheeks of C.W.1 and even he torn some of the non disclosure agreements in anger. There is also material to show that after coming to know that some of the accused arrested by the police, accused No.1 absconded. These material aspects were considered by the learned Sessions Judge while

passing the impugned order and in coming to conclusion that there is a prima facie case.

31. Therefore, unless and until, there are glaring defects in the order of the learned Sessions Judge, this Court cannot interfere in the said order in a routine manner as the jurisdiction of a revisional Court is limited. In this connection, I am referring to the decision of the Hon'ble Apex Court in case of ***OM WATI (SMT) AND ANOTHER VS. STATE THROUGH DELHI ADMN. AND OTHERS*** reported in ***(2001)4 SCC 333***. Head Note-C of the said decision reads as under:

> " C. Criminal Procedure Code 1973 – Ss.227, 228 and 401 – High Court should not ordinarily interfere with trial Court's order for framing of charge unless there is a glaring injustice – High Court's interference at that stage may encourage unscrupulous persons to protract trial and prevent culmination of criminal case

which would amount to abuse of process of the Court - where trial Court by a well reasoned order directed framing of charges for murder, held, High Court in revision was not justified in quashing that order by a cryptic non speaking order."

32. I am referring to another decision of the Hon'ble Apex Court in case of ***AMITH KAPOOR Vs. RAMESH CHANDER AND ANOTHER*** reported in ***(2012)9 SCC 460***. Paragraph Nos. 12 and 13 of the said decision reads as under:

" 12. Section 397 of the Code vest the Court with the power to call for and examine the records of an inferior Court for the purposes of satisfying itself as to the legality and regularity of any proceedings or order made in a case. The object of this provision is to set right a patent defect or an error of jurisdiction or law. There has to be a well founded error and it may not be appropriate for the Courts to scrutinize the orders, which upon the face of it bears a

token of careful consideration and appear to be in accordance with law. If one looks into the various judgments of this Court, it emerges that the revisional jurisdiction can be invoked where the decisions under challenge are grossly erroneous, there is no compliance with the provisions of law, the finding recorded is based on no evidence, material evidence is ignored or judicial discretion is exercised arbitrarily or perversely. These are no exhaustive classes, but are merely indicative. Each case would have to be determined on its own merits.

13. Another well accepted norm is that the revisional jurisdiction of the higher Court is a very limited one and cannot be exercised in a routine manner. One of the inbuilt restrictions is that it should not be against an interim or interlocutory order. The Court has to keep in mind that the exercise of revisional jurisdiction itself should not lead to injustice ex-facie. Whether the Court is dealing with the question as to whether the charge has been

framed properly and in accordance with law in a given case, it may be reluctant to interfere in exercise of its revisional jurisdiction unless the case substantially forms within the categories afore-stated. Even framing of charge is a much advanced stage in the proceedings under the Cr.P.C."

33. Looking to the entire materials so also the order of the learned Sessions Judge and the legal position, I am of the opinion that except the mistake of the Court in framing charge for the offence under Section 212 of IPC as against accused No.2, which is liable to be set aside, the rest of the order holds good. The revision petitioners have not made out a case to allow their case as prayed for.

34. The submission of the learned Senior Advocate Smt. Pramila Nesargi before this Court is that her client Ms. Ranjitha has been wrongly mentioned as the victim of the case and she has filed

the application before the learned Sessions Judge. The above three revision petitions are filed by accused Nos.1 to 6 challenging the order of the learned Sessions Judge rejecting their applications under Sections 227 and 228 of Cr.P.C. seeking their discharge from the proceedings. Therefore, the question of considering the submission of the learned Senior Advocate Smt. Pramila Nesargi so far as her client Ms. Ranjitha is concerned, it will not arise for consideration in these revision petitions.

35. Hence, I proceed to pass the following order:

Crl.R.P. No.240/2018 filed by accused Nos.1 and 2 is allowed in part only to the extent of the order of learned Sessions Judge for framing charge under Section 212 of IPC as against accused No.2 and the said revision petition for the rest of the order is dismissed, so also Crl.R.P. No.211/2018 preferred by

accused Nos.3 and 5 and Crl.R.P. No.224/2018 preferred by accused Nos.4 and 6 are hereby dismissed.

Office is directed to send back the original records immediately to the concerned trial Court by deputing one responsible officer of the High Court.

**Sd/-**
**JUDGE**

Cs/-