

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 19195/2026

[Arising out of impugned final judgment and order dated 22-07-2025 in CRLA No. 493/2022 passed by the High Court of Karnataka at Bengaluru]

BARKATH

Petitioner(s)

VERSUS

THE STATE OF KARNATAKA

Respondent(s)

(IA No. 106179/2026 - CONDONATION OF DELAY IN FILING
IA No. 106180/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

Date : 15-04-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) :

Mr. A Sirajudeen, Sr. Adv.
Ms. Manjeet Chawla, AOR
Ms. Shaik Soni Ahamed, Adv.
Ms. Jyoti, Adv.
Ms. Usha Pant Kukreti, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. Heard Mr. A.Sirajudeen, learned senior counsel appearing for the petitioner.
2. Delay condoned.
3. Mr. A.Sirajudeen, learned senior counsel raises an important issue. Learned senior counsel submits that in the present case, while the Trial Court under Section 6

of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') imposed a sentence of 20 years and no separate sentence was imposed under Section 376-AB of the Indian Penal Code, 1860 (for short, "the IPC"), the High Court while noticing that the POCSO Amendments came in 2019, directed that the sentence of 20 years will be for the offence under Section 376-AB of IPC and not for the POCSO offence.

4. Learned senior counsel submits that the impugned order has been passed by a learned Single Judge of the High Court. According to the learned senior counsel, Section 5 of the Karnataka High Court Act of 1961 (for short, "the Act") read with Section 10 of the said Act would indicate that the cases where the accused have been sentenced to a fixed term of 20 years should have been heard by a Division Bench. Learned senior counsel further submits that under Section 5 of the Act, life appeals are heard by a Division Bench. There is no express prescription for a fixed term sentences as to what coram will hear the appeal.

5. Though Section 5 of the Act, according to the learned senior counsel, says that all other appeals shall be heard by the learned Single Judge, the amendment imposing fixed term is relatively a new concept post 2012.

6. Learned senior counsel further submits that interest of justice requires that if the appeals arising out of the cases where life sentence is imposed is heard by a Division Bench, it is only prudent that the appeals where fixed term in excess of 14 years are imposed is also heard by a Division Bench.

7. It is also submitted that in many High Courts, appeals where the sentence imposed by the Trial Court is in excess of 10 years, are heard by the Division Bench.

8. Let notice be issued limited to this question, returnable on 13th July, 2026.

9. Liberty is granted to serve the standing counsel, in addition.

10. Let notice be also issued to the learned Attorney General for India to enable the learned Attorney General to assist the Court.

(ANITA MALHOTRA)
AR-CUM-PS

(MANOJ KUMAR)
COURT MASTER