

KABI010042482025



**IN THE COURT OF, THE II.ADDL.DISTRICT AND
SESSIONS JUDGE, AT BALLARI.**

Present: **Sri.B.G.Pramoda., B.A.L., LL.B.,**
II.Addl.District & Sessions Judge, Ballari

Dated this 19th day of August, 2026

Crl.R.P.No:74/2025

Revision Petitioner:

K.P.Sirinivasulu S/o K.P.Bheemalingappa,
Age: 62 years, R/o Sai Pavan Nilaya,
Vishal Nagar entrance 2nd House, Patel
nagar, Ballari.

(By Sri.B.V.Basavaraj, Advocate)

Vs.

Respondent :

The State by Sub-Inspector of Police, Cowl
Bazaar Police Station, Ballari.

(By Public Prosecutor)

ORDER

The petitioner has filed the present revision petition under Section 397 of Cr.P.C praying to set aside the order of taking cognizance and issuance of summons dated 27.02.2020 by learned II-Addl.Civil Judge and JMFC, Ballari.

2. The revision petitioner of this petition is accused before the trial court. The respondent of the present petition is complainant before the trial court. The rank of the parties to this revision petition will be hereinafter referred to with the same rank as assigned to them before the trial court for the sake of convenience.

3. The brief antecedent facts that took place before the trial court which leads the petitioner to file the present revision petition in nutshell are as follows;

(a) One K.Ramappa S/o K.Nettappa had given information to Cowl Bazaar Police Station against the accused Srinivasulu/revision petitioner by alleging the commission of offence punishable under Section 504 and 507 of IPC. On the basis of said information, the respondent police after obtaining the permission of the court registered FIR in Crime No.350/2018. Thereafter the said police have conducted the investigation of the case. The PSI of Cowl Bazaar Police Station after

completing the investigation of the said case had filed the charge sheet against the accused before the learned II-Addl.Civil Judge and JMFC, Ballari by alleging the commission of offence punishable under Section 504 and 507 of IPC.

(b) After filing of charge sheet, the learned Magistrate took cognizance for the offences punishable under Section 504 and 507 of IPC against the accused and registered the criminal case bearing C.C.No.659/2020. Thereafter the learned Magistrate issued summons to the accused.

(c) In pursuance of service of summons, the accused had appeared before the trial court through his counsel. Accused was enlarged on bail. Then the trial court posted the matter for hearing the accused before the charge.

4. When the matter was posted for hearing before charge by the trial court, the accused being aggrieved by

the order of the trial court dated 27.02.2020 taking cognizance for the offences punishable under Section 504 and 507 of IPC against him and being aggrieved by the order of trial court issuing summons to him, has preferred this revision petition.

5. The grounds urged by the petitioner in the revision petition are as follows:

- (a) The order passed by the learned Magistrate in taking cognizance of the offences punishable under Section 504 and 507 of IPC is against law and probabilities of the case and as such the same is liable to be set aside.
- (b) The learned Magistrate is not at all followed the mandatory provisions contemplated under Section 155(2) of Cr.P.C in taking cognizance in respect of non-cognizable offences.
- (c) The Investigating Officer has carried out entire investigation in respect of non-cognizable offences without obtaining

necessary permission from the Magistrate as provided under Section 155(2) of Cr.P.C. As such the learned Magistrate could not have taken cognizance for the offences as the investigation was done without jurisdiction.

- (d) The offences alleged against the revision petitioner under Section 504 and 507 of IPC are non-cognizable offences and bailable offences triable by the Magistrate. As per Section 155 of Cr.P.C, the officer in charge of police station, on receiving the information as to commission of non-cognizable offence, shall enter the substance of the information in a prescribed register and refer the informant to the Magistrate.
- (e) Under Section 155(2) of Cr.P.C the police have no power to investigate a non-cognizable case without order of Magistrate. The respondent police have conducted the investigation without permission of jurisdictional Magistrate and filed charge sheet. As such investigation done by the

Investigating Officer is illegal and void ab initio.

- (f) The order of the learned Magistrate taking cognizance against the accused for the alleged offences and issuance of summons is without jurisdiction. Neither the Magistrate, nor the respondent police have followed the mandatory provisions of law contemplated under Section 155(2) of Cr.P.C. Hence, the impugned order is liable to be set aside.

On these among other grounds as urged in the petition, the revision petitioner has prayed to allow the petition as prayed for.

6. After the revision petition was filed, it was numbered as Crl.R.P.No.74/2025 and notice was issued to the respondent police. In pursuance of service of notice, the learned Public Prosecutor has appeared on behalf of the respondent police. Thereafter the trial court record was called for.

7. After securing the trial court record, the matter was posted for arguments.

8. Heard the arguments of learned counsel for the revision petitioner and learned Public Prosecutor. The learned counsel for the revision petitioner has filed his written arguments. Perused the impugned order, grounds urged in the revision petition and trial court record and other materials on record.

9. Having done so, the following points arise for my consideration:

1. Whether the revision petitioner proves that the trial court is erred in law in taking cognizance for the offences punishable under Section 504 and 507 of IPC against him and trial court erred in law in issuing summons to him vide order dated 27.02.2020?
2. Whether appellant proves that the interference of this court is required with the impugned order of the trial court?

3. Whether the revision petition filed by the petitioner under Section 397 of Cr.P.C is deserves to be allowed?

4. What order?

10. My findings to the above said points are as under :

Point No.1 : In negative.

Point No.2 : In negative.

Point No.3 : In negative.

Point No.4 : As per the final order for the following:

REASONS

11. **Point No.1 to 3:-** These three points are interrelated to each other and as such they are taken together for common discussion to avoid repetition of facts.

12. The revision petitioner in the present petition has challenged the order dated 27.02.2020 passed by learned II-Addl.Civil Judge and JMFC, Ballari in C.C.No.659/2020 by taking cognizance for the offence punishable under Section 504 and 506 of IPC against him on the basis of charge sheet filed by the PSI, Cowl Bazaar Police Station.

The revision petitioner has also challenged the order of the trial court in issuing summons to him.

13. The learned counsel for the revision petitioner has argued that the offences punishable under Section 504 and 507 of IPC are non-cognizable offences. It is further argued that under Section 155(2) of Cr.P.C, the police officer cannot investigate a non-cognizable offences without obtaining prior permission from the jurisdictional Magistrate. It is further argued that the respondent police have not obtained any prior permission from the learned Magistrate before registering the FIR on the basis of information given by the informant and the respondent police have not obtained any permission from the learned Magistrate for investigating the alleged offences. Hence, it is argued by the learned counsel for the revision petitioner that the impugned order of the trial court on the basis of the investigation conducted in violation of mandatory of provision of law is untenable in law and it is liable to be

set aside. Hence, the learned counsel for petitioner prayed to set aside the impugned order of the trial court.

14. It is to be noted here that one K.Ramappa S/o K.Nettappa had given information to Cowl Bazaar Police Station on 04.12.2018 by alleging that accused has cheated him in the matter regarding to Pavaman Ispat Private Limited Company and by alleging that accused has not paid bank loan amount. As such there was animosity between the informant and the accused. On 24.10.2018, the informant has orally requested the Manager of the bank stating that he will pay the outstanding loan amount to the company and requested to auction the said company and to transfer the company in his name. The said fact was came to the knowledge of the accused. As such on 24.10.2018 in the morning, accused called to the mobile number of his friend M.Venkateshwar Reddy i.e., mobile No.9448814732 from mobile No.8147966666 and said that he will made open challenge to your Ramappa and abused Ramappa as “Lanja Kuduka” in Telugu

language and further told that if Ramappa came to house or company again, he will kick with his leg and cut his neck and threatened to kill all his followers and Ramappa.

15. On the basis of said information, Crime No.350/2018 was registered and investigation was done. PSI of complainant police station after completing investigation has filed charge sheet against accused by alleging commission of offences punishable under Section 504 and 507 of IPC. In the charge sheet also it is alleged that on 24.10.2018 at 8.00 AM when CW.4 and 5 were walking in Vidya Nagar, the accused called to the mobile number of CW.4 and abused the informant in filthy language and also threatened to kill the informant.

16. On the basis of allegations made in the charge sheet and on the basis of the statements of the witnesses and other materials submitted along with the charge sheet, the learned Magistrate took cognizance for the offences punishable under Section 504 and 507 of IPC against the

accused and issued summons to accused by registering the case in C.C.No.659/2020.

17. The accused has challenged the said impugned order of the learned Magistrate dated 27.02.2020 mainly on the ground that the Investigating Officer has not obtained any permission from the learned Magistrate before starting investigation on the basis of the information given by the informant as the offences alleged against the accused are non-cognizable offences.

18. As it is rightly pointed out by the learned counsel for the revision petitioner, the offences punishable under Section 504 and 507 of IPC are non-cognizable offences and bailable offences and the said offences are triable by learned Magistrate. Further as it is rightly argued by the learned counsel for the revision petitioner, obtaining of permission of the court to investigate the said offences is mandatory under Section 155(2) of Cr.P.C. I am perused the entire trial court record. It is to be noted here that

after receiving the information from K.Ramappa, the respondent police have registered N.C.No.110/2018. Further the Investigating Officer has obtained the permission of the learned Magistrate and thereafter he has registered FIR.

19. In the FIR, in column No.10 there is mention regarding registration of N.C.No.110/2018 on the basis of the information given by the informant by alleging that accused has committed the offence punishable under Section 504 and 507 of IPC. Further there is also mention in the FIR regarding obtaining the permission of the Court for investigation of the case. Further there is also clear mention about obtaining the permission of the court for investigating the case. Further in the trial court record, there is endorsement on the complaint regarding registration of N.C.No.110/2018. Further there is also mention regarding registration of FIR No.350/2018 only after obtaining the permission of the jurisdictional

Magistrate. Further trial court record also contain the acknowledgement for registration of N.C.No.110/2018. The trial court record contain the requisition given by the Investigating Officer to the learned Magistrate seeking permission to investigate the N.C.No.110/2018. The learned Magistrate has granted the permission to investigate the matter.

20. Hence, it is clear that the Investigating Officer has followed the mandatory provisions of Section 155(2) of Cr.P.C before starting the investigation of the case. There is no procedural lapses on the part of the Investigating Officer in investigating the case against the accused for the alleged offences. As such, I do not find any merits in the contention of the learned counsel for the petitioner that the investigation done by the Investigating Officer is illegal and void ab initio. As such on the said ground, the impugned order of the trial court cannot be set aside by

exercising the discretionary power vested under Section 397 of Cr.P.C.

21. The Investigating Officer has followed all the procedural formalities before registering the FIR against the accused and before commencing the investigation of the case. As such, the charge sheet filed by the Investigating Officer against the accused before the trial court by alleging the commission of offence for the offences punishable under Section 504 and 507 of IPC cannot be considered as illegal or without jurisdiction. As such the trial court has rightly entertained the charge sheet filed by the Investigating Officer. Further the statements of prosecution witnesses cited in the charge sheet, the allegations made in the information and the allegations made in the charge sheet and the other materials submitted along with the charge sheet are sufficient to show prima facie case against the accused regarding commission of offence punishable under Section 504 and 507 of IPC. The prosecution has made out prima facie

case against the accused to proceed with trial for the offences punishable under Section 504 and 507 of IPC. As such, I am of the opinion that the trial court has rightly took the cognizance for the offences punishable under Section 504 and 507 of IPC against the accused and has rightly registered criminal case bearing C.C.No.659/2020 and has rightly issued summons to the accused. I do not find material irregularities committed by the trial court in passing the impugned order. As such, I am of the opinion that the petitioner has failed to prove that the trial court is erred in law in passing the impugned order and failed to prove that interference of this court is required with the impugned order of the trial court. I do not find any merits in the various grounds urged by the revision petitioner in the petition. On any of the said grounds, the impugned order of the trial court cannot be set aside. I do not find any valid grounds to interfere with the impugned order of the trial court. As such, the revision petition filed by the

petitioner is deserves to be dismissed. Accordingly, I answer Point No.1 to 3 in the negative.

22. **Point No.4**: In view of the above discussion on the Point No.1 and 2, I proceed to pass the following:

ORDER

The revision petition filed by the revision petitioner under Section 397 of Cr.P.C is hereby dismissed.

The order dated 27.02.2020 passed by the learned II-Addl.Civil Judge and JMFC, Ballari in C.C.No.659/2020 by taking cognizance against the accused for the offences punishable under Section 504 and 507 of IPC and order of trial court in issuing summons to the accused is hereby confirmed.

Send back the trial court records along with copy of this order.

[Dictated to the Stenographer, transcribed by steno, corrected and then pronounced by me on this the 19th day of August, 2026)

[B.G.PRAMODA]

II Addl. District & Sessions Judge,
Ballari.

