



**IN THE COURT OF THE SENIOR CIVIL JUDGE
& JMFC, TARIKER**

P R E S E N T

MUZAFFAR A. MANJARI,
B.A., LL.B.
SENIOR CIVIL JUDGE & JMFC, TARIKERE

DATED THIS THE 25TH DAY OF JUNE - 2026

ORIGINAL SUIT NO.188/2022

PLAINTIFF :

Chandrashekar V.M. S/o Late
Hosalli Mallappa, Aged about 63
years, Agriculturist, R/o Vittalapura
Village, Neralakere Post,
Amruthapura Hobli, Tarikere Taluk,
Chikkamagaluru District – 577 228.

(By Sri. N. Shivalingappa, Adv.)

//Versus//

DEFENDANTS :

1. Maheshwarappa M. S/o Late
Hosalli Mallappa, Aged about 76
years, Agriculturist, R/o Vittalapura
Village, Neralakere Post,
Amruthapura Hobli, Tarikere Taluk.

2. Rudrappa M. S/o Late Hosalli
Mallappa, Aged about 68 years,
Agriculturist, R/o Vittalapura
Village, Neralakere Post,
Amruthapura Hobli, Tarikere Taluk.

**(D1 by Sri. Channabasaiah G.M. &
D2 by Sri.M.R. Hiremathad,
Advocates)**

I.A.NO.XXVI**APPLICANT:**

Chandrashekar V.M

-V/s.-**OPPONENT:**

Channabasaiah G.M., Advocate

1.	Provision under which the application is filed	Order Sec.379 of BNSS
2.	Reliefs sought for	Partition & Separate Possession
3.	The date on which the application is filed	06.12.2025
4.	Number of the application	I.A.No.XXVI
5.	The date on which the objections is filed by opponents	19.02.2026
6.	The date on which the order was passed on the said application	25.06.2026

ORDER ON I.A.NO.26

The plaintiff has filed this application under Sec.379 of BNSS praying before this court to pass an order directing chief ministerial officer (CMO) of this court to lodge a complaint before the jurisdictional JMFC Court to take cognizance of an offence punishable under Sections 229, 236, 237 and 246 of BNS against the concerned advocate.

2. The application is accompanied by an affidavit duly sworn to by the plaintiff wherein, he has averred that he has filed this suit for partition and separate possession seeking his share in the suit property and that after filing of the suit, an advocate namely Sri P. Maruthi had appeared for the defendant No.1 by filing vakalath in the suit on 15.03.2023. The plaintiff has obtained certified copy of the said vakalath filed on 15.03.2023 and perusal of the same shows that a single advocate i.e. Sri. P. Maruthi has signed and no other advocate has signed the same. However, when this case was set down for cross-examination of P.W.1 on 24.11.2025, one Sri. Channabasaiah G.M. appeared before the court for the defendant No.1 to cross-examine P.W.1 but the counsel for the plaintiff objected for the cross-examination on the ground that the advocate prepared for the cross-examination has no vakalath for the defendant No.1 in the suit. However, on that occasion, the plaintiff again verified the original vakalath filed by P. Maruthi advocate for the defendant No.1 on 15.03.2023 and found that the advocate prepared to cross-examine P.W.1 on 24.11.2025 i.e. Channabasaiah G.M. advocate has put his signature in the vakalath which was filed on

15.03.2023. Thus, Channabasaiah G.M. advocate has signed the vakalath subsequent to its filing without obtaining permission of the court and as such, the said advocate has misled the court and therefore, he is liable to be prosecuted for the offence punishable under Sections 229, 236, 237 and 246 of BNS. Accordingly, for all these reasons, the plaintiff has prayed to allow his application.

3. The counsel for the defendant No.1 i.e. Channabasaiah G.M. advocate has filed his detailed objections to the above application thereby denying the allegations made in the application and accompanying affidavit and contending that he has been enrolled in the Karnataka State Bar Council on 22.02.2002 and since then he has been practicing on civil side but till this day, no single allegation is made against him either by advocate fraternity or any litigant except the plaintiff of this suit in the present application. Further, on going through the vakalath alleged by the plaintiff in the application, it shows that the same does not reflect the name or enrollment number of the advocate who has signed the same subsequently and as such, the allegations made by the plaintiff against Channabasaiah G.M. advocate are not maintainable. Moreover, the said

Channabasaiah G.M. advocate hails from Hindu religion and traditional family who is grown up with principles surrounded by ethics and without a single remark against him in the profession but the allegations made by the plaintiff have hurt him severely and therefore, he reserves his right to sue for deformation against the plaintiff for a sum of Rs.50,00,00,000/-. Therefore, for all these reasons, the counsel has prayed to dismiss the application of the plaintiff with costs.

4. I have heard arguments on the application and perused record of the case.

5. In view of the above allegations and objections, the following points arise for my consideration:

P O I N T S

1. Whether plaintiff has prima-facie showed the commission of offence punishable under Sections 229, 236, 237 and 246 of BNS?

2. What order or decree?

6. On hearing the arguments and perusal of the record, my findings to the above points are hereunder:

POINT NO.1 : In the NEGATIVE

POINT NO.2 : As for the final order
for the following :

REASONS

7. **POINT NO.1**: I have gone through record of the case carefully and I have also heard arguments of the counsel for the plaintiff and defendant No.1 particularly Sri. Channabasaiah G.M advocate. The record discloses that the plaintiff has filed this suit against the defendants No.1 and 2 for partition and separate possession seeking his share in the suit properties. The record further discloses that after service of suit summons, the defendant No.1 appeared in the suit through his counsel and filed his detailed written statement to the plaint. Such being the case, the plaintiff has alleged in the present application that the advocate who filed vakalath for the defendant No.1 in the suit on 15.03.2023, alone had signed the said vakalath but subsequently, Sri. Channabasaiah G.M. advocate misled the court by signing the said vakalath on 24.11.2025 without seeking permission of the court and therefore, the said advocate is liable to be prosecuted for the offence alleged in the application. On the other hand, Channabasaiah G.M. advocate has denied the said allegations of the plaintiff contending that he has not misled the court nor

signed the vakalath dated 15.03.2023 filed for the defendant No.1 at any point of time.

8. The above being the allegations, I have gone through the original vakalath filed for the defendant No.1 in this suit on 15.03.2023 which is available in the file of this suit and the same reveals that it is filed by one Sri P. Maruthi advocate. Perusal of the same further reveals that it is signed by another advocate in addition to the said P. Maruthi advocate. However, the name of the said second advocate is not reflected in the vakalath though enrollment number thereof is mentioned as KAR/1957/2011. According to the plaintiff, the signature of the said second advocate was not there in the original vakalath filed on 15.03.2023 but it was subsequent put. In support of his claim, the plaintiff has produced certified copy of the original vakalath which copy was obtained by him from the office on 27.03.2025. Perusal of the said document shows that only one signature of P. Maruthi advocate is appearing in the said vakalath which was filed on 15.03.2023 and there is no signature or enrollment number of any other advocate therein. Thus from this, it is clear that an advocate has put his signature in the original vakalath after filing of the same in the suit. There is no material on record to

show that permission of the court was obtained by the said advocate to put the signature in the original vakalath. However, it is not clear from the original vakalath now available in the file as to who has put the signature subsequent to filing of the same before the court because there is no name of the advocate signing the same.

9. The counsel for the defendant No.1 i.e. Channabasaiah G.M. advocate has placed on record a copy of enrollment details in respect of KAR/1957/2011 which number is mentioned in the vakalath subsequently in addition to putting the signature. The said enrollment details show that the said enrollment number pertains to one Chethan Gowli advocate of Davanagere and not to the counsel for the defendant No.1 i.e. Channabasaiah G.M. It is not the allegation of the plaintiff that the said Chethan Gowli advocate has signed the vakalath in question subsequent to its filing but it is his allegation that Channabasaiah G.M. advocate has signed the same without permission of the court. However, this allegation is not believable because the enrollment number mentioned in the vakalath does not pertain to Channabasaiah G.M. advocate. Similarly, the nature and style of the signature put in the vakalath

subsequently also do not tally with the admitted signature of Channabasaiah G.M. advocate which is available in the vakalath separately filed by him in the suit for the defendant No.1 on 08.01.2026. Thus, in view of these aspects, the allegations made by the plaintiff that Channabasaiah G.M. advocate has put the signature in the vakalath in question subsequent to its filing and without permission of the court is not believable though some other person might have signed the same.

10. However, one thing is clear from the above discussion that a single advocate had signed the vakalath filed for the defendant No.1 in the suit on 15.03.2023 and subsequently another advocate has put his signature therein without obtaining permission of the court. Such being the case, it has to be prima-facie seen whether the said second advocate has committed the offence alleged by the plaintiff in the application in order to lodge a complaint against him before the jurisdictional magistrate. The plaintiff has alleged commission of the offence punishable under Sections 229, 236, 237 and 246 of BNS. I have gone through the provisions of all those offence and on going through the same, I am of the opinion that none of the said offence

attracts the allegations made by the plaintiff in the application.

11. Section 229 of BNS deals with punishment for giving false evidence and it reads as under :

Sec.229. *Punishment for false evidence –*

(1) Whoever intentionally gives false evidence in any stage of a judicial proceeding, or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine which may extend to ten thousand rupees.

(2) Whoever intentionally gives or fabricates false evidence in any case other than that referred to in sub-section (1), shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine which may extend to five thousand rupees.

12. However, in this case, neither Channabasaiah G.M. advocate or any other advocate has given any false evidence or fabricated false evidence for the purpose of being used in any stage of this suit and therefore, the above office is not attracted. The vakalath in question cannot be termed

as evidence in the suit and therefore, the above offence is not prima-facie made out.

13. Section 236 of BNS deals with punishment for giving false statement made in declaration which is by law receivable as evidence and it reads as under :

Sec.236. False statement made in declaration which is by law receivable as evidence- *Whoever, in any declaration made or subscribed by him, which declaration any Court or any public servant or other person, is bound or authorized by law to receive as evidence of any fact, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence.*

14. However, in this case, no declaration is submitted by any of the persons containing a false statement touching any point material to the object for which declaration is made or used and therefore, the above offence is also not attracted.

15. Similarly, Section 237 of BNS deals with punishment for using a false declaration as true and it reads as under :

Sec.237. Using as true such declaration knowing it to be false -

Whoever corruptly uses or attempts to use as true any such declaration, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

Explanation – A declaration which is inadmissible merely upon the ground of some informality, is a declaration within the meaning of section 236 and this section.

16. However, in the suit, no false declaration is submitted by any of the parties or advocates to the court nor the same is used or attempted to be used in any material point knowing it to be false and therefore, the above offence is also not attracted in this case.

17. Finally, Section 246 of BNS deals with punishment for making a false claim dishonestly in court and it reads as under :

Sec.246. Dishonestly making false claim in Court – *Whoever fraudulently or dishonestly, or with intent to injure or annoy any person, makes in a Court any claim which he knows to be false, shall be punished with imprisonment of either description for a*

term which may extend to two years, and shall also be liable to fine.

18. However, in this suit, no person or advocate has fraudulently or dishonestly with intent to injure or annoy any person has made any claim which he knows to be false. Merely signing a vakalath subsequent to its filing without permission of the court does not amount to making a false claim with intend to injure or annoy any person. If a party to the suit or his advocate makes any claim either in pleadings or in any other form with the dishonest intention or fraudulently, Sec.246 of BNS would attract but the facts of the present case are different.

19. Thus, from the above entire discussion, it is very much clear that though the plaintiff has showed that an advocate has put his signature in question subsequent to its filing in the court without permission of the court, the said aspect is not sufficient to attract the offence alleged by him in the application. The plaintiff has not prima-facie showed that the alleged advocate has given false evidence during the proceedings of this suit; he has also not prima-facie showed that a false statement is made in the form of declaration before a court or public

servant or other person who is bound or authorized by law to receive the same as evidence of any fact; he has also not prima-facie showed that the alleged person has corruptly used or attempted to use as true any declaration in any pleadings or otherwise by knowing it to be false; and he has also not prima-facie showed that the alleged advocate has made a false claim in the form of pleadings or otherwise with intent to injure or annoy any person. Therefore, the claim of the plaintiff to refer the matter to the jurisdictional magistrate is not acceptable since no prima-facie material is placed on record to show the commission of the alleged offence. Therefore, for all these reasons, I hold that the plaintiff has not prima-facie showed the commission of offence punishable under Sections 229, 236, 237 and 246 of BNS and accordingly, I answer point No.1 in **NEGATIVE**.

20. **POINT NO.2:** For the reasons stated above, I proceed to pass the following:

ORDER

I.A.No.26 filed by plaintiff under
Sec.379 of BNSS is hereby
DISMISSED.

No order as to costs.

(Dictated to the Stenographer on computer directly, typed by her, Judgment corrected and signed by me, then pronounced by me in the open Court on this the 25th day of June 2026)

Sd/-
(MUZAFFAR A. MANJARI)
SENIOR CIVIL JUDGE & JMFC,
TARIKERE