

**IN THE COURT OF ADDL. DISTRICT AND SESSIONS JUDGE,
GADAG**

Dated this the 18th day of June, 2026

PRESENT

Ms. GEETA SHINDHE

B.A.LL.B. (Hons), LL.M.

ADDL. DISTRICT AND SESSIONS JUDGE,
GADAG.

Crl. R.P. No.49/2026

Petitioner :

Ayub S/o Sannahasansab Naddimulla,
Age : 30 years, R/o. #429/21, Irani Colony,
Near Ganesh Katti, Sai Baba Temple, Gadag.

(In-Person)

V/s

Respondent :

Dr. Sonia D/o Somareddi Karur,
Age: 50 years, Works at Janani Nursing Home,
Opposite to Dominos, near Jaycee School,
Gadag.

ORDER

This criminal revision petition is filed under Section 397 right with Section 399 of CrPC, seeking for following reliefs.

- (a) Call for and examine the records of Criminal Miscellaneous No. 319 of 2024. Pending before they learn it, first ACJ and JMFC1 court, Gadag
- (b) Set aside and expunge Finding No. 1 recorded in the Order dated 06.05.2026, namely that the interim order dated 04.04.2025 was "brought to the knowledge of this Court today", as the same is directly contrary to the record of the case.



- (c) Set aside and expunge Finding No. 2 recorded in the order dated 06.05.2026, namely that the interim order was not brought to the court's knowledge because the present judge assumed charge on 02.06.2025, as the same is legally untenable and contrary to the settled principles.
- (d) Set aside an expunge finding number 3 recorded in the Order dated 06.05.2026, namely that neither the petitioner nor his counsel expressed readiness for enquiry and therefore documents produced earlier were not taken note of, as the same is perverse, contrary to record and introduces a non-existent precondition into this Hon'ble Court's interim order dated 04.04.2025.
- (e) Set aside and expunge finding number 4 recorded in the Order dated 06.05.2026, namely, that the law does not provide for stay of proceedings pending disposal of Criminal Revision petition 03.06.2025, as the same is an error of law apparent on the face of record, and
- (f) Pass such and further orders as this Hon'ble Court might deem just and proper in the interest of justice.

2. Heard the petitioner in person on the issue of maintainability.

3. The sole point that has arisen for the consideration of this Court is "Whether this revision petition challenging merely the findings of the trial Court is maintainable"? The finding upon the above point for consideration is in the negative. for the following:



REASONS

4. This Criminal Revision petition is filed challenging the findings recorded by the trial Court in the Order dated 06.05.2026. The order dated 06.05.2026 is the order whereby the Learned trial Court has posted the case for inquiry on the submissions of the petitioner in person and considering the memo filed before the court.

5. It is the contention of the party in person that this Court in Criminal Revision No. 36/2025 directed the trial Court to conduct inquiry and this order was brought to the knowledge of the Court in 2025 itself. However in the order dated 06.05.2026, the trial court has made an observation that the said order was not brought to the court's notice and recorded certain findings and observations on the same.

6. The petitioner in person though has got the relief as per the order in Criminal Revision petition No. 36/2025 and got the matter posted for enquiry. Feeling aggrieved by the observations made by the court in the said order regarding not bringing to the notice of the court regarding the order in Criminal Revision No. 36/2025 has preferred this revision petition.

7. In this revision petition, the only challenge is laid upon the findings and the prayer is to set aside and expunge the four findings of the trial Court in the order dated 06.05.2026. The order per se is not challenged by the party in person.

8. Section 397 of CrPC is an supervisory jurisdiction exercised by this Court. There are certain parameters if are fulfilled, a



party can approach under Section 397 of Criminal Procedure Code. On a bare reading of Section 397 of CrPC, the term used is any party agreed by an order or sentence of the court. Now the question before this court is whether the findings number 1, 2, 3 and 4 take the position of order or sentence in the court. the findings listed by the petitioner do not affect the substantive rights of the parties and also the petitioner has not shown how these findings have led to miscarriage of justice.

9. The petitioner in person has filed written arguments on issue of maintainability. In these said written arguments, he has contented that the findings of the trial Court are perverse in nature and hence they are challenged under this revision petition. He has referred to a case where Of the Hon'ble Supreme Court in Chandra Babu alias Moses v. State, Through Inspector of Police AIR 2015 SC 3566 and has cited That normally a revisional jurisdiction should be exercised on a question of law. However when factual appreciation is involved, then it must find place in the class of cases resulting in a perverse finding. Basically the power is required to be exercised so that justice is done and there is no abuse of power by the court. The other part of the written arguments refer to the issue as to why the finding is perverse and so on.

10. Section 397 of CrPC is an supervisory jurisdiction exercised by this Court. On a bare reading of Section 397 of CrPC, the term used is any party agreed by an order or sentence of the court. Now the question before this court is whether the findings



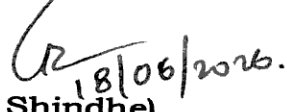
number 1, 2, 3 and 4 take the position of order or sentence in the court. the findings listed by the petitioner do not affect the substantive rights of the parties and also the petitioner has not shown how these findings have led to miscarriage of justice.

11. In the above referred case finding of facts are challenged, as it directly affected the substantive rights of the parties. in the present case these findings are not of such nature. hence this court is of the view that criminal revision petition is not maintainable. hence the following order.

ORDER

The Criminal Revision Petitioner filed by the
Petitioner U/Sec.397 R/w Sec.399 of Cr.P.C. is
dismissed as not maintainable.

(Dictated to the Stenographer, transcription thereof computerized by her, corrected, and then pronounced by me in open Court on this 18th day of June, 2026)


(Geeta Shindhe),
Addl. District & Sessions Judge,
Gadag.

