



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

Dated this the 14th day of August 2026

:: PRESENT ::

Sri. Mohan Badagandi

B.Com., LL.B (Spl.),
II Addl. District & Sessions Judge,
Mysuru.

CRL.R.P./149/2025

**REVISION
PETITIONER**

:: Syed Mubarak @ Rahul,
S/o. Late Mohammed Peer,
Aged about 43 years,
R/at. No.2620, M.K.D.K Road,
Sunni Chowk, Mandi Mohalla,
Mysuru.

(By : Sri. S.K.M., - Adv.,)

V/s

RESPONDENTS

- ::** 1. The Spl. Executive Magistrate
and Deputy Commissioner of
Police, (Law and Order),
Mysuru.
2. The Assistant Sub-Inspector,
Mandi Police Station
Mysuru.

(By : Public Prosecutor)

ORDER

The Revision Petitioner has filed petition under Section 438 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, being aggrieved by the impugned order passed by Respondent No.1 in File No.MAG(2)/ಗಡಿಪಾರು/23/2025 dated 31.07.2025.

2. The brief facts of the case is that Police Inspector of Mandi Police Station gave report to Respondent No.1 authority on 31.07.2025 stating that Revision Petitioner is rowdy sheeter. He is involved in anti-social and illegal activities and creating an atmosphere of fear and disturbance to the peace and tranquility of the public. He is involved in many criminal cases. He has repeatedly violated the law by forming a mob on the public place within the limits of Mandi Police Station and has been involved in cases such as drug trafficking and smuggling and has been committing several illegal acts that disturb the peace in the Mysuru city. Despite several precautionary legal actions taken against him, he has continued to intimate the witnesses and make them testify for him, thereby

acquitting the cases registered against him and continuing to commit similar illegal acts. He is involved in ganja cases and he is misleading the young people. Hence, there are possibilities that, he may commit similar offences and affect the public peace and tranquility. He submitted a report by mentioning the facts, offences and case numbers (1) Cr.No.42/2011 (2) Cr.No.59/2016, (3) Cr.No.234/2017 (4) Cr.No.33/2018 (5) Cr.No.107/2018 (6) Cr.No.179/2018 of Mandi Police Station. Based on the said report, the Respondent No.1 authority issued show cause notice under Section 58 of Karnataka Police Act.

3. The Respondent No.1 authority passed the final order on 16.08.2025 by considering the report submitted by Respondent No.2 and ordered by exercising the power vested under Section 55 of the Karnataka Police Act that the Revision Petitioner is the rowdy sheeter he would commit the similar offences in the forthcoming days also. Hence, he passed order that Revision Petitioner is deported to Devadurga Police Station of Raichur District for 6 months from the date of

order, except on the date of hearing in the criminal cases and he shall not enter the Mysuru District without prior permission.

4. The Revision Petitioner has preferred this Revision Petition on the grounds that the Respondent police have made false complaint against Petitioner and make a futile attempt to involve in this case on the basis of false imputation which has no substance, also contended that police have not specifically mentioned any incident, time and date number of people involved and place of alleged any illegal assembly. The actual fact of the entire case is that, Petitioner is made accused on the statistical basis without having any substance with an intention to falsely implicate the Petitioner. The Petitioner is law abiding citizen having legal avocation and deep roots in the society. His implication is just to balancing act of the Respondent police. The Petitioner received the show cause notice on 06.08.2025 where as it is issued on 06.08.2025 and no fact has been stated in the show cause notice, thus it is liable to be set-aside. In the past also, police have

humiliated the Petitioner by coercion taking a bond in earlier occasion the same thing the police have wanted to replicate in this vocation without any substance and facts. Hence, he has prayed to allow the petition.

5. After service of notice, the Respondents authority appeared through learned Public Prosecutor. The learned P.P. submitted the copy of TCR.

6. Heard, the counsel for the Revision Petitioner and learned Public Prosecutor. Perused the materials on record.

7. The points that arise for my determination are:

1. Whether the Revision Petitioner has proved that Respondent No.1 authority has not followed the statutory procedure under Section 55 of Karnataka Police in File No.No.MAG(2)/ಗಡಿಪಾರು/23/2025 dated 31.07.2025 and same is liable to be set aside?
2. Whether the impugned order of Respondents authority is arbitrary, illegal and perverse and calls for interference by this Court?
3. What order ?

8. My findings on the above points are as under:

POINT NO.1 : In the **Negative**,
POINT NO.2 : In the **Negative**,
POINT NO.3 : As per final order,
for the following ;

:: REASONS ::

9. **POINT NOS.1 AND 2:-** Since both the points are interlinked, they are taken up together for the sake of convenience and to avoid repetition of discussion of the contents of facts.

10. The appreciation of the material would go to show that the Revision Petitioner is the accused in (1) Cr.No.42/2011 (2) Cr.No.59/2016, (3) Cr.No.234/2017 (4) Cr.No.33/2018 (5) Cr.No.107/2018 (6) Cr.No.179/2018 of Mandi Police Station. The F.I.R. and complaint of said cases are also made available with the objections by the learned Public Prosecutor.

11. The objections of the learned Public Prosecutor and materials on record would go to show that the revision Petitioner is acquitted in Sl.No.1, 5, 6

and convicted in Sl.No.3 and Sl.No.2 and 4 are under trial. Then it can be said that the Revision Petitioner is the convicted accused and he can be called as habitual offender.

12. It is worth to mention that the petition is filed on 12.08.2025 seeking set-aside the impugned order i.e., show cause notice issued by the Respondent No.1 authority dated 31.07.2025. The Respondent No.1 authority passed the final order on 16.08.2025 by exercising the power vested under Section 55 of the Karnataka Police Act. The order copy of the Respondent No.1 is made available to the Court. It shows that, Respondent No.1 authority ordered to deport the Revision Petitioner for 6 months to Devadurga Police Station of Raichur District by exercising the power vested under Section 55 of the Karnataka Police Act. The said provision empowers the Respondent No.1 authority to pass such orders. The order passed under said provision is appealable order and same can be challenged before the District Magistrate, but not

before the District Court. I relied upon Section 59 of the Karnataka Police Act which reads as under ;

“59. Appeal.—Any person aggrieved by an order made under section 54, 55 or 56 may appeal to the Government within thirty days from the date of such order. ”

13. The above section provides appeal to the aggrieved party. The appeal against the order passed under Section 55 of said Act lies before the District Magistrate. When the alternative relief is available, the discretionary power vested under Section 438 of BNSS cannot be exercised. Further, the issuance of show cause notice i.e., impugned order is challenged before this court, the Respondent No.1 authority has passed the final order after issuing show cause notice, when the final order is passed out, the question of considering the show cause notice issued before passing the final order does not arise. So, this Court has lost its jurisdiction. If the Revision Petitioner is aggrieved by the said order, he has remedy under said Act and he can challenge the same under due process

of law before proper authority. Further, the main order passed on 16.08.2025 and it was in force for 6 months only. The said order becomes infructuous by efflux of time on 16.02.2026. In view of the above reason, I am of the opinion that there is no scope of interference in the impugned order. Therefore, I answer Point No.1 and 2 in the **Negative.**

14. **POINT NO.3:-** In view of my finding on Points No.1 and 2 and for the reasons discussed above, I proceed to pass the following;

ORDER

The Revision Petition filed under Section 438 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 is **dismissed.**

Send the copy of this order to Respondents along with TCR.

[Directly, dictated to the Stenographer Gr-III on computer, corrected, and signed by me and then pronounced in the Open Court, on this the **14th day of August 2026**]

(Mohan Badagandi)
II Addl. District & Sessions Judge,
Mysuru.

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