

Crl.R.P. 151/2025

Perused the criminal Revision petition filed under Sec. 438 of BNSS, 2023 and the interim application filed under Sec. 438(1) of BNSS, 2023 and the materials on record found the petitioner has filed the instant Criminal Revision Petition by challenging the orders passed by the respondent No.1 on the ground that the respondent No.1 has not complied Sec. 58 of the K.P. Act. Therefore the Criminal Revision Petition which filed is maintainable before this Court as the respondent passed the orders in view of Sec. 60 of K.P. Act. Though Sec. 59 of K.P. Act empowers to file an appeal aggrieved by the orders passed under Sec. 54, 55 and 56 of K.P. Act. But, the respondent No.1 has not passed the orders under Sec. 58 of K.P. Act.

The Learned counsel for the petitioner drawn the court attention on the judgment of Honb'le High Court of Karnataka passed in Crl.P. No.101633/2023 in between Prakash Vs State of Karnataka in the said judgment his lordship held that mere allegation of unlawful act is not sufficient for passing an order under Sec. 58 of the Act no doubt if there is a express provision in the statute

governing a particular subject matter there is no scope for invoking or excising inherent powers of the Court. But, from the reading of Sec. 59 together with Sec. 60 of the Act it would appear that there is no bar against the Court interfering with such order of externment in the circumstances as enumerated in Sec. 60 of the Act. Thus, considering the grounds which urged in the grounds of revision and the materials on record it is just and necessary to stay the orders passed by the respondent No.1 in MAG(2) Gadiparu/50/2025 dated 21.06.2025 till the appearance of respondent otherwise the purpose of Criminal Revision Petition will be defeated. Hence, I proceed to pass the following:

ORDERS

The Order passed by the respondent No.1 in MAG(2) Gadiparu/50/2025 dated 21.06.2025 is hereby stayed till the appearance of the respondent.

Issue notice to respondent.

R/by **22.09.2025.**

22.08.2025.
IV ADJ., Mysuru.