



**IN THE COURT OF THE III ADDITIONAL  
DISTRICT AND SESSIONS JUDGE, MYSURU**

**Dated this the 12<sup>th</sup> day of June 2026**

**:: PRESENT ::**

**Sri Mallanagouda, B.Com., LL.M.,**  
III Addl. District & Sessions Judge,  
Mysuru.

**CRL.R.P./226/2025**

**PETITIONER:** Sri.Dhanush Nayaka,  
S/o. Late Srinivasa,  
Aged about 26 years,  
R/at No.1020, 8<sup>th</sup> Cross,  
Sunnadakeri, K.R.Mohalla,  
Mysuru.

**(By : Sri.G.P.C.S., Adv.)**

**V/s**

**RESPONDENTS:** 1. The Special Executive  
Magistrate and Assistant  
Commissioner of Police,  
Law and Order, Mysuru city.

2. The Circle Inspector,  
Lakshmipuram Police Station,  
Mysuru.

**(By : Public Prosecutor)**

**:: ORDER ::**

This is the Criminal Revision Petition filed  
under Sec.438 of B.N.S.S. challenging the legality,

propriety and correctness of the order dated 05.12.2025 passed by the Respondent No.1 in MAG(2)/GADIPARU-38/2025 in which the Respondent No.1 has ordered for externment of Petitioner.

2. The brief facts leading to this Revision Petition are as follows:

It is the contention of the Petitioner that, on the basis of the report submitted by the Respondent No.2, Respondent No.1 has passed order dated 05.12.2025 for externing the Petitioner. Now by challenging the said order, the petitioner has filed present petition on the following grounds:-

3. The order passed by the Respondent No.1 is illegal, while passing the order Respondent No.1 has not considered written statement filed by the present Petitioner. He passed the order exparte. Out of cases registered against the Petitioner in Cr.No.37/2023 of Lakshmipuram Police Station and Cr.No.93/2018 of Lashkar Police Station are ended in acquittal of the Petitioner and even Cr.No.39/2025 is also false case and there is no evidence against the present Petitioner. The complainant in the said case is the resident of same street and he has filed false

case due to previous ill will against the Petitioner. As the complainant in the said case is politically and economically powerful because of his instigation police have filed false case. Further, the police have created false cases and obtained bond from the Petitioner by registering cases under Section 107 of Cr.P.C and Section 129(e) & (j) of B.N.S.S. In fact Petitioner is not at all involved in any cases like threatening the general public and causing nuisance in the public place and other cases. The Petitioner has got old aged parents, who are depending upon the Petitioner. If, the Petitioner is sent out of the Mysuru City his parents will suffer a lot. Hence, it is necessary to set-aside the order of the Respondent No.1.

4. In furtherance of the Notice, the learned Public Prosecutor has appeared for the Respondents and filed objections as under:

The Petitioner is a rowdy element, there are cases registered against him in Cr.No.37/2023 of Lakshmipuram Police Station for the offence under Section 325, 341 R/w Section 34 of I.P.C., Cr.No.93/2018 of Lashkar Police Station for the offence under Section 392 of I.P.C and Cr.No.39/2025 of Krishnaraja Police Station for the

offence under Section 115(2), 118(1), 126(2), 324(3), 351(3), 352(2), 54 R/w Section 190 of B.N.S. From 7 to 8 years the Petitioner is indulged in disturbing the public peace and creating fear in general public. Therefore, considering the possibility of Petitioner continuing such cases externment order is passed by the Respondent No.1. Therefore, externment order passed by the Respondent No.1 is lawful and same is not liable to be set aside and petition is liable to be dismissed.

5. Heard, perused the entire record.

6. The following points arise for my consideration;

- 1) Whether the Petitioner has made out valid grounds for setting aside the order passed by Respondent No.1 in MAG(2)/GADIPARU-38/2025 dated 05.12.2025 ?
- 2) What Order?

7. My findings on the above points are as here under:

**Point No.1 :** In the **Affirmative**

**Point No.2 :** As per final order for the following:

**:: REASONS ::**

8. **POINT NO.1:-** It is the case of the Petitioner that on the basis of the report submitted by Respondent No.2, Respondent No.1 has passed order dated 05.12.2025 for externment of the Petitioner without giving opportunity to Petitioner. Infact, the Petitioner is innocent and law abiding citizen. The order under challenge is passed due to political vengeance against Petitioner, the Petitioner has got aged parents, who are depending upon the Petitioner, therefore order under challenge is liable to be set-aside.

9. On perusal of the submission of the counsel for the Petitioner and learned Public Prosecutor and on perusal of the order under challenge it appears to me that, in the order Respondent No.1 has mentioned about pendency of cases against the Petitioner in Cr.No.37/2023, Cr.No.93/2018 and Cr.No.39/2025. However, out of those 3 cases as per Respondent No.2 only 2 cases are ended in acquittal and in one case investigation is pending. Accordingly it appears that, when petitioner has not been convicted even in a single case merely because 3 cases are registered against him it can not be said that, the petitioner is roudy

element and his involved in activities of destroying public peace. Therefore, the order passed by the Respondent No.1 is not supported with sufficient material which requires externment of the petitioner. Therefore, it is decided to set-aside the order of the Respondent No.1. Hence, **Point No.1 is answered in the Affirmative.**

10. **POINT NO.2:-** In the result, I proceed to pass the following:

**:: O R D E R ::**

The Criminal Revision Petition filed by the Petitioner under Sec.438 of B.N.S.S. is hereby **ALLOWED.**

The Order dated 05.12.2025 passed by the Respondent No.1 in MAG(2)/GADIPARU-38/2025 is hereby **SET-ASIDE.**

[Dictated to the Stenographer, transcribed & computerized by her, transcript revised, corrected and then pronounced by me in the open Court on this the **12<sup>th</sup> day of June, 2026**]

**(MALLANAGOUDA)**

III Addl. District & Sessions Judge,  
Mysuru.