

KAVN010003372026



Presented on : 14-01-2026
Registered on : 14-01-2026
Decided on : 13-03-2026
Duration : 1M/29 Days

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS
JUDGE, AT HOSAPETE, VIJAYANAGARA DISTRICT

**PRESENT: SRI K.M.RAJASHEKAR, B.Sc.,LL.M.,
Principal District & Sessions Judge, At
Hosapete, Vijayanagara District**

DATED THIS 13th DAY OF MARCH 2026.

Crl. Rev. Pet. No. 2 of 2026

Revision Petitioner:

Veerabadrappa S/o Veeranna
Age: 59, Agriculturist, R/o Kottur, Kottur Taluk, Vijayanagara Dist.

(Rep. by Sri. B. Veereshappa -Advocate)

-V/s-

Respondent:

The State by S.H.O Kottur P.S.

(Rep. by Public Prosecutor).

ORDER

The petitioner has filed this revision petition
under section 438 of BNSS, 2023 praying this court to

allow the Revision Petition by setting aside the order dated 05.12.2022 and rectified order dated 20.12.2023 passed by the Senior Civil Judge and JMFC, Kudligi in Crime No. 111/2022 and allow the petitioner to submit the supportive documents to show that the items mentioned in P.F.No.108/2022 are belongs to the petitioner.

2. The petitioner's case is that, between 7.00 a.m., on 21.05.2022 to 1.30 a.m., on 23.05.2022 somebody have break open the lock of his house, entered the house situated at Opp. Gramina Bank, Kottur and stolen gold articles. Case is registered in crime No.111/2022. The revision petitioner has filed petition under Section 457 of Cr.P.C before the Senior Civil Judge and JMFC, Kudligi, to release the property item No.1 ton 15 which are seized under P.F 107/2022 dated 2.6.2022 and 4 gold bangles seized under P.F.No.108/2022 dated 2.6.2022. But the trial Court has allowed the said application in part. Hence, aggrieved by the said order this revision petition has been filed on the following

grounds:-

1) The impugned order dated 05.12.2026 passed by the Hon'ble Senior Civil Judge and JMFC, Kudligi is illegal, arbitrary, perverse and unsustainable in law. Due to health problem the petitioner could not give the related documents in time to his counsel. The Hon'ble trial Court has not given sufficient time to give the documents.

3. Heard both parties perused the records.

4. For disposal of this petition the following points arise for my consideration are as follows:

1. Whether the revision petitioner makes out ground for the relief as prayed?
2. What order?

5. Having heard the arguments of both side my findings to the above points are as under:

Point No.1 : As per finding;

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

REASONS

6. Point No.1: Looking at the case papers, it indicates that the petitioners approached this court under 438 of the BNSS Act.

7. On perusal of the complaint, the petitioner has not mentioned in the complaint/FIR about the theft of said articles i.e 4 gold bangles seized under P.F.No.108/2022. Now the petitioner wants to produce the related documents to show that the said bangles belongs to him. It is significant to note that the complainant at the time of lodging complaint specifically mentioned in his complaint that somebody broke open the main door and made away with 4 gold rings weighing 40 grams, 02 gold billets and cash of Rs.1,23,000/-. However, during the course of investigation police able to secure the accused person and recovered iron rods in PF.No.106/2022, 4 gold bangles in PF No.108/2022 and 15 items including gold and silver articles in PF No.107/2022. It is to be noted that the petitioner while filing application u/s 457 of

Cr.P.C has sought for total 15 items seized in PF No.107/2022 and P.F.No.108/2022 both. The voluntary statement of accused and investigation outcome indicates that the accused are involved in totally 3 theft case. The accused person are habitual offenders, first they have burgled one house behind the SBM Bank and made away with cash, gold and silver articles. Again on 23.05.2022 they made house break of another house at Pragathi Gramina Bank area and made away with 4 gold rings, 02 gold pieces, 4 bangles and cash. Again at Raichur they have burgled one house at Netaji nagar and made away with gold and silver articles along with cash of Rs.85,000/-. Hence, as rightly argued by learned Public Prosecutor the properties recovered by the I.O under PF Nos. 107/2022 and 108/2022 related to three crime numbers. Hence, it is just and necessary to ascertain who is the real owner of which articles seized under both PFs. In this case the the petitioner/complainant claims that the 04 gold bangles belongs to him. The Revision petition indicates that due

to ill health the petitioner was unable to produce the documents which establish his ownership over the 04 bangles. However, looking at the application filed by the Revision Petitioner before the Trial Court, it is apparent that the applicant is greedy enough and wanted all the 15 properties in PF No.107/2022 and bangles seized in PF 108/2022 to be released in his favour. That itself clearly indicates the approach of the petitioner is not honest and with unclean hands. However, petitioner claims that he has got documents to show his ownership of 04 bangles. Whether the said 4 gold bangles belongs to petitioner or not, to be ascertained during trial and it requires detailed enquiry. Apart from that the petitioner had every opportunity to file application for release of property in which he had ownership and can file application before the Trial Court with clear and convincing documents. In such an event the trial court must have hold an enquiry and pass appropriate orders. Apart from that at this stage I did not find any irregularities in the impugned order.

Hence, I hold that it would be just and reasonable to direct the Revision Petitioner to approach the trial court with documentary proof for relief. Accordingly, I answered the point No.1.

8. Point No.2: In view of the above observation, I proceed to pass following :

ORDER

The Revision Petition is disposed of with a liberty to the petitioner to file fresh application with relevant documents for release of the property seized in PF No.107/2022 and PF.No.108/2022, in such an event the Trial Court is directed to hold an enquiry and after ascertaining the real ownership, pass appropriate orders on such application in accordance with law.

(Dictated to the Judgment Writer directly on computer, typed & computerized by her, corrected and signed by me and then pronounced in the open Court on this the **13th day of March 2026.**)

**(K.M.RAJASHEKAR),
Principal District & Sessions Judge,
vijayanagara District, Hosapete.**