NC: 2024:KHC:53185
CRL.RP No. 1662 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE H.P.SANDESH

CRIMINAL REVISION PETITION NO.1662 OF 2024

BETWEEN:

1. HI TECH CONDUCTORS PRIVATE LIMITED
   MANUFACTURERS OF AAC AND ACSR
   CONDUCTORS,
   HAVING ITS REGISTERED OFFICE AT

   SHED NO. A-113, KSSIDC, HEBBAL INDUSTRIAL
   ESTATE, H P GAS ROAD, NEAR CIPET AND
   CAUVERY FORD SHOWROOM, MYSURU- 570016,
   STATE KARNATAKA,

   PH 0821-2511919/4280211
   E MAIL RCBHANSALI@GMAIL.COM

   REPRESENTED BY ITS DIRECTORS
2. R.C. BHANSALI @ RISHAB CHAND BHANSALI
   S/O LATE SRI. BHERULAL,
   AGED ABOUT 73 YEARS

3. MOOLCHAND BHANSALI
   S/O LATE SRI. BHERULAL,
   AGED ABOUT 75 YEARS

...PETITIONERS

(BY SRI ANUPAM AGARWAL, ADVOCATE)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

AND:

VORA ALUMINIUM
PROPRIETARY CONCERN,
HAVING ITS REGISTERED OFFICE AT:
NO.08, 1ST MAIN, 1ST CROSS,
SUDHAMANAGAR, BENGALURU - 560027

REPRESENTED BY ITS PROPRIETOR:
MR. PARESH PRAKASH JAIN
AGED ABOUT 36 YEARS,
LETTER OF AUTHORITY HOLDER,
SUKHARAJ BHANDARI,
S/O DHANAJI,
AGED ABOUT 68 YEARS,
NO.31, IV MODLE HOUSE STREET,
BASAVANAGUDI,
BENGALURU – 560004

…RESPONDENT

THIS CRL.RP IS FILED U/S.438 BNSS, 2023 PRAYING TO SET ASIDE THE OPERATIVE PORTION OF CONDITION NO.1 OF THE IMPUGNED ORDER DATED 26.11.2024 PASSED IN INTERLOCUTORY APPLICATION NO.1/2024 IN CRL.A.NO.1938/2024 PASSED BY THE LII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT BENGALURU (CCH-53) PRODUCED AT ANNEXURE A AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE H.P.SANDESH

ORAL ORDER

This revision petition is listed before the Court with regard to the maintainability of this revision petition.

2. The learned counsel appearing for the revision petitioners submits that the order passed by the Trial Court on I.A.No.1/2024 filed under Section 430 of Bharatiya Nagarika Suraksha Sanhita, 2023 (BNSS) wherein prayer is made to suspend the operation and execution of the sentence dated 07.11.2024 passed by the XVIII Additional Judge and ACJM Court of Small Causes, Bengaluru in C.C.No.4568/2023 is not an interlocutory order and contend that the order affects the right of the revision petitioners. Hence, the revision petition is maintainable.

3. The office has raised the objection that in view of Section 397(2) of Cr.P.C, the revision petition is not maintainable against the order passed on I.A.No.1/2024.

4. Having heard the learned counsel appearing for the revision petitioner and having perused the office objection regarding maintainability, the learned counsel for the petitioners submits that the order of the Trial Court affects the right of the revision petitioners and it will not amounts to any interlocutory order. The application filed before the Trial Court is under Section 430 of BNSS praying to suspend the operation and execution of the sentence dated 07.11.2024. Having perused the order passed by the Trial Court wherein the Trial Court allowed the said application subject to condition that the appellant shall deposit 20% of the fine amount and to execute personal bond for the balance of the amount to the satisfaction of the Trial Court on or before 26.12.2024 and also made it clear that in case of non-compliance of condition (i) stated above, he shall immediately surrender before the Trial Court to undergo the sentence. When such conditional order is passed by the Trial Court on the IA while suspending the sentence entertaining the interlocutory application filed by the petitioners, now the

very contention of the counsel for the revision petitioners is that the said order affects the right of the parties and hence, revision petition is maintainable cannot be accepted and nature of order is only an interlocutory order. Hence, office objection is upheld. Accordingly, the revision petition is dismissed as not maintainable.

Sd/-
(H.P.SANDESH)
JUDGE

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