



CNR: KAHC010039782024

NC: 2026:KHC:38531
CRL.RP No. 146 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL REVISION PETITION NO.146 OF 2024

BETWEEN:

SRI MUNENDRA RAO
S/O. SUBBARAO
AGED ABOUT 45 YEARS
RESIDING AT NO.84
GROUND FLOOR, 2ND CROSS
BHARAT NAGAR II STAGE
MAGADI MAIN ROAD, BYADARAHALLI
BENGALURU-560 091.

...PETITIONER

(BY SRI CHETAN N., ADVOCATE)

AND:

1. SMT. LATHA BAI
W/O. SRI MUNENDRA RAO
AGED ABOUT 36 YEARS.
2. KUM. PRIYA BAI
D/O. MUNENDRA RAO
AGED ABOUT 17 YEARS
SINCE MINOR, REPRESENTED BY HER MOTHER
AND NATURAL GUARDIAN
SMT. LATHA BAI

BOTH ARE RESIDING AT
NO.41, GROUND FLOOR
N.K. CITY, SONDEKOPPA ROAD
NEAR PATTALADAMMA TEMPLE
TAVAREKERE
BENGALURU-562 130.

...RESPONDENTS

(BY SMT. NIRMALA K., ADVOCATE)

Digitally
signed by
RAKSHA
Location:
High
Court of
Karnataka



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THIS CRIMINAL REVISION PETITION IS FILED UNDER SECTION 397 READ WITH SECTION 401 OF CR.P.C PRAYING TO SET ASIDE THE JUDGMENT DATED 21-10-2023 PASSED IN CRIMINAL APPEAL NO.18 OF 2023 ON THE FILE OF THE VIII ADDITIONAL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, BENGALURU, AND ORDER DATED 10-1-2023 PASSED ON I.A. NO.1 IN CRIMINAL MISCELLANEOUS NO.88 OF 2022 ON THE FILE OF THE CHIEF JUDICIAL MAGISTRATE, BENGALURU RURAL DISTRICT, BENGALURU.

THIS CRIMINAL REVISION PETITION IS COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL ORDER

Heard Sri Chetan M., learned counsel for the petitioner, and Smt. Nirmala K., learned counsel for respondent Nos.1 and 2.

2. The petitioner-husband has preferred this revision petition under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973, (for short, 'Cr.P.C') praying to set aside the order dated 10-1-2023 passed by the learned Chief Judicial Magistrate, Bengaluru Rural District, Bengaluru, on I.A. No.1 of 2022 in Criminal Miscellaneous No.86 of 2022, which is confirmed by the learned VIII Additional District and Sessions Judge,



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Bengaluru Rural District, Bengaluru, in Criminal Appeal No.18 of 2023 dated 21-10-2023.

3. The brief facts of the case are as under:

The respondents-wife and daughter have filed the petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005, before the trial Court seeking various reliefs against the petitioner-husband. The respondents also filed I.A. No.1 of 2022 under Section 23 of the Protection of Women from Domestic Violence Act, 2005, seeking interim maintenance from the petitioner. The trial Court considering the interlocutory application and objections filed by the petitioner, awarded interim maintenance of Rs.8,000/- per month to the respondents, i.e. Rs.4,000 each. Being aggrieved by the order passed by the trial Court, the petitioner preferred Criminal Appeal No.18 of 2023 before the VII Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru, who



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in turn, confirmed the order passed by trial Court. Hence, the petitioner has filed this petition.

4. Learned counsel for the petitioner has vehemently contended that the respondents themselves deserted the petitioner from matrimonial home and are falsely claiming maintenance from him. The trial Court failed to notice that the petitioner has been working as auto-rickshaw Driver, his earning is very less and he is not able to pay amount of Rs.8,000/- to the respondents. Hence, pending consideration of Criminal Miscellaneous No.86 of 2022 before the trial Court, the learned counsel prays to modify the interim maintenance to Rs.6,000/- per month by allowing the revision petition.

5. Learned counsel for respondent Nos.1 and 2, while justifying the order passed by the trial Court as well as the First Appellate Court, has contended that the petitioner has not disputed the relationship, his avocation and the fact that the petitioner is running auto-rickshaw. She



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further contended that the petitioner, who was cross-examined as RW1 in domestic violence proceedings, himself admitted that he is running two School vans and therefore, he is earning more than Rs.30,000/- per month. Thus, she prays to dismiss the revision petition.

6. In view of the submissions made by the learned counsel for both parties, the following point arises for the consideration of this Court:

Whether the petitioner has made out sufficient ground that there is error apparent on the face of the record and thus, the order passed by the trial Court as well as the order confirmed by the First Appellate Court require to be modified by this Court?

7. In the present case, the petitioner is the husband of respondent No.1 and their marriage was solemnised on 20-3-2006 and out of their wedlock, respondent No.2 was born on 12-12-2006. These factual aspects are not disputed. The records reveal that prior to institution of



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Criminal Miscellaneous No.86 of 2022, the petitioner deserted the respondents and hence, the respondents filed the Criminal Miscellaneous on various reliefs under the Protection of Women from Domestic Violence Act, 2005, and also sought interim maintenance from the petitioner. The trial Court, considering the relationship of the parties, income of the petitioner and that the petitioner himself deserted the respondents, awarded interim maintenance of Rs.4,000/- each to respondent Nos.1 and 2. Being aggrieved by the order of interim maintenance, the petitioner preferred Criminal Appeal No.18 of 2023 before the First Appellate Court and the First Appellate Court confirmed the order passed by the trial Court. Now, the petitioner challenged the concurrent findings passed by the trial Court and the First Appellate Court in this revision petition.

8. The "scope of revision" refers to the limited authority of a higher Court to review judgment of the trial Court and the First Appellate Court, focusing on correcting



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errors in jurisdiction or gross legal/factual flaws rather than re-examining the merits of the case. This power is exercised sparingly and is intended to set right a patent defect, not to function as an automatic second appeal. The specific grounds and limitations vary between civil and criminal proceedings. Revisions can address situations where the decision is grossly inaccurate, not supported by evidence, or where relevant evidence was ignored. The review is not a fresh trial. The Courts are generally barred from re-examining evidence or substituting their own judgment for the lower Court's on matters of fact unless the findings are demonstrably perverse or arbitrary. The Hon'ble Apex Court has discussed the applicability and scope of revision in various decisions, which are highlighted hereunder:

A. The Hon'ble Apex Court in the case of **MUNNA DEVI v. STATE OF RAJASTHAN AND ANOTHER** reported in **(2001) 9 SCC 631** while discussing the scope



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of Section 397 of Cr.P.C. at paragraph No.3 has held as under:

"3. xxx xxx xxx. The revision power under the Code of Criminal Procedure cannot be exercised in a routine and casual manner. While exercising such powers the High Court has no authority to appreciate the evidence in the manner as the trial and the appellate courts are required to do. Revisional powers could be exercised only when it is shown that there is a legal bar against the continuance of the criminal proceedings or the framing of charge or the facts as stated in the first information report even if they are taken at the face value and accepted in their entirety do not constitute the offence for which the accused has been charged."

B. The Hon'ble Apex Court in the case of **STATE OF TAMIL NADU v. R. SOUNDIRARASU AND OTHERS** reported in **(2023) 6 SCC 768** at paragraph No.79 has held as under:

"79. Thus, the revisional power cannot be exercised in a casual or mechanical manner. It can only be exercised to correct manifest error of law or



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procedure which would occasion injustice, if it is not corrected. The revisional power cannot be equated with the appellate power. A Revisional Court cannot undertake meticulous examination of the material on record as it is undertaken by the trial court or the appellate court. This power can only be exercised if there is any legal bar to the continuance of the proceedings or if the facts as stated in the charge-sheet are taken to be true on their face value and accepted in their entirety do not constitute the offence for which the accused has been charged. It is conferred to check grave error of law or procedure."

C. Further, the Hon'ble Apex Court in the case of **STATE OF MAHARASHTRA v. SUJAY MANGESH POYAREKAR** reported in **(2008) 9 SCC 475** at paragraph No.16 has held as under:

"16. xxx xxx xxx. Now it is well settled that revisional jurisdiction can be exercised sparingly and only in exceptional cases. A Revisional Court cannot convert itself into a regular court of appeal."



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9. Therefore, the revisional jurisdiction should normally be exercised in exceptional cases, when there is a glaring defect in the proceedings or there is a manifest error of point of law and consequently, there has been a flagrant miscarriage of justice.

10. Admittedly, after passing of the order by the trial Court, the petitioner challenged the same before the First Appellate Court and the First Appellate Court confirmed the order passed by the trial Court. However, till date, the petitioner has not paid any amount towards interim maintenance of the respondents. Respondent No.1, being the wife, and respondent No.2, being the daughter of the petitioner, need some monetary benefit for their livelihood. Since the respondents are residing separately, the petitioner has to make some arrangement for their livelihood.

11. *Prima-facie*, it appears that the petitioner is having sufficient source of income to provide maintenance



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for livelihood of the respondents. The petitioner cannot escape from his liability to pay the maintenance to his wife and daughter on the sole ground that he is not having sufficient source of income. The trial Court, after appreciation of the facts, has rightly awarded interim maintenance of Rs.8,000/- per month (Rs.4,000/- each) to respondent Nos.1 and 2 and the First Appellate Court also confirmed the order passed by the trial Court, which do not require any interference by this Court as there is no error apparent on the face of the record. The revision petition is, accordingly, ***dismissed***.

In view of the dismissal of the main revision petition, pending interlocutory application, if any, shall stand dismissed.

**Sd/-
(VENKATESH NAIK T)
JUDGE**

KVK
List No.: 1 Sl No.: 8