



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 3712 OF 2019

BETWEEN:

YASHWANTH B S.,
AGED ABOUT 32 YEARS
S/O CHANDRASHEKAR
R/AT BOLIKKALA HOUSE
MADAVU POST
KEYYOOR VILLAGE
PUTTUR TALUK
D K DISTRICT - 574 201.

...PETITIONER

[BY SRI CHINMAY C. KAROSHI, ADVOCATE FOR
SRI RAJASHEKAR S., ADVOCATE (PH)]

AND:

1. THE STATE OF KARNATAKA
BY PUTTUR RURAL POLICE
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BENGALURU - 560 001.
2. A V SANTOSH
AGED ABOUT 47 YEARS,
FATHER'S NAME NOT KNOWN
PSI ADUR POLICE STATION
KERALA STATE - 671 543.
3. PRYESH KUMAR
AGED ABOUT 50 YEARS,

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



FATHER'S NAME NOT KNOWN
CPO ADUR POLICE STATION
KERALA STATE - 671 543.

4. UDAYAKUMAR
AGED ABOUT 48 YEARS,
FATHER'S NAME NOT KNOWN
DVR COP ADUR POLICE STATION,
KERALA STATE - 671 543.

...RESPONDENTS

[BY SRI S.JAVEED, HCGP FOR R1/STATE;
SRI ANIKETH K.V., ADVOCATE FOR
SRI B.S.SACHIN, ADVOCATE (PH)]

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO SET ASIDE THE ORDER DATED 02.02.2019 PASSED BY THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE IN CRL.RP.NO.5124/2017 AND THEREBY SET ASIDE THE ORDER DATED 16.10.2017 PASSED IN CR.NO.82/2016 ON THE FILE OF ADDITIONAL SENIOR CIVIL JUDGE AND ACJM, PUTTUR, IN ACCEPTING THE 'B' REPORT FILED BY PUTTUR RURAL POLICE IN CONNECTION WITH THE ALLEGED OFFENCE P/U/S 323 AND 34 OF IPC BY ALLOWING THIS PETITION.

THIS PETITION, COMING ON FOR *ADMISSION*, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging order dated 02.02.2019 passed by V Additional District and Sessions Judge, Dakshina Kannada, - Mangaluru, sitting at Putturu, Dakshina Kannada in Criminal Revision Petition no.5124/2017, this petition is filed.



2. Sri Chinmay, learned counsel appearing for S Rajashekar, counsel for petitioner submitted that petitioner-complainant had filed a complaint registered by Puthur Rural Police in Crime no.82/2016 for offences punishable under Section 323 read with Section 34 of Indian Penal Code, 1860 (**IPC**) against respondents 2 to 4 herein stated to be police officers in State of Kerala. It was submitted that after investigation, police had filed a 'B' report as per document no.5 on 18.01.2017. On said report, complainant had filed protest petition as per document no.6 herein on 07.06.2017. On consideration, learned trial Judge passed an order on 16.10.2017 accepting 'B' report and dismissing complaint. Aggrieved complainant had filed Criminal Revision no.5124/2017 before V Additional District and Sessions Judge, D.K. Same was dismissed on 02.02.2019 on ground that revision petition was not maintainable. Referring to a decision of this Court in **Basappa v. State of Karnataka** reported in **ILR 1984 KAR 994**, it was submitted that impugned order was unsustainable. It was submitted that in very decision referred to by Court had taken a view that revision would be maintainable against an order accepting B report. The decision



relied upon was an authority for proposition that a protest petition was required to be in form of a complaint under Section 2(d) of CrPC. It was submitted that protest petition filed by petitioner herein contained facts which would disclose offence in question. It was submitted that Revisional Court did not find fault with protest petition insofar as form of protest petition, but dismissed it only on ground of maintainability. On said grounds sought for allowing petition.

3. Learned HCGP for respondent no.1-State and Sri BS Sachin, appearing for respondents no.2 to 4 opposed petition.

4. It was submitted that on a protest petition having been filed, learned Magistrate in compliance with ratio laid down by this Court in **Dr.Ravi Kumar v. KMC Vasantha and another** reported in **2017 SCC OnLine KAR 4731** had examined contents of 'B' report and passed a judicious order stating that offence alleged were not disclosed. It was submitted even as per complainant on 26.03.2016 accused arrived in police jeep and asked to furnish copy of excise license. It was further stated that on account of difference in language, there was verbal altercation and assault. Thereafter complainant herein escaped while accused forced other two



employees i.e., Shashidhar and Manjunath into their jeep and took them away. Referring to 'B' report filed by police, it was submitted that accused were police officers in State of Kerala and in course of investigation, in Crime no.82/2016 by Audur police station had arrived at wine shop of complainant to seek particulars of excise license and in order to escape from said proceedings, complainant had filed present complaint. It was submitted, learned Magistrate had taken note of contents of B report and arrived at conclusion that no offence was made out and police officers act were within their powers and used reasonable force.

5. Learned counsel further submitted that dismissal of revision petition as not maintainable by the Revisional Court was unsustainable in view of ratio in **Basappa's** case. On said ground sought for dismissal.

6. Heard learned counsel and perused material on record and impugned order.

7. This petition is by complainant assailing order passed by Revisional Court dismissing revision (on ground of



maintainability) against an order passed accepting 'B' report by reference to ratio in **Basappa's** case.

8. However, perusal of Section 397 of CrPC would indicate that revision would be maintainable and only restriction on power of revision was bar against Interlocutory orders. An order of acceptance of 'B' report leading to closure of proceedings would affect rights of complainant and cannot be stated to be a mere interlocutory order. Thus, dismissal of revision petition on account of non-maintainability by Revisional Court would not be justified. When prima facie protest petition filed by complainant is in nature of a complaint. However, said matter would require to be re-examined by learned Sessions Judge at time of consideration of revision on merits.

9. In view of above, petition is **allowed**, order dated 02.02.2019 passed by V Additional District and Sessions Judge, Dakshina Kannada, -Mangaluru, sitting at Putturu, Dakshina Kannada in Criminal Revision Petition no.5124/2017 is set aside. Crl.RP. no.5124/2017 is restored on file of V Additional District and Sessions Judge, Dakshina Kannada, -Mangaluru, sitting at Putturu, Dakshina Kannada.



10. Since all parties are represented and to enable early conclusion of proceedings, parties directed to appear before Sessions Judge without fresh summons or notice on 03.08.2026.

11. Registry of this Court is directed to intimate the Sessions Court about this order.

12. It is made clear that all contentions of both parties are kept open insofar as legality of order passed by learned Magistrate.

Sd/-
(RAVI V HOSMANI)
JUDGE

YKL
List No.: 1 Sl No.: 17