



CNR: KAHC010375602026

NC: 2026:KHC:48166
CRL.RP No. 914 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL REVISION PETITION NO.914 OF 2026

BETWEEN:

1. G. PUTTASWAMY,
S/O GOPALA NAIK,
AGED ABOUT 57 YEARS,
WORKING AS VICE PRINCIPLE,
GOVERNMENT P.U.COLLEGE,
NELAMANGALA.
RESIDING AT N/A NO.203/3,
NEAR N.E.S. QUARTERS,
SOUTH EXTENSION 'C', TUMAKURU.

...PETITIONER

(BY SRI. A.N. RADHA KRISHNA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY NELAMANGALA TOWN POLICE.
2. THE TAHSILDAR,
NELAMANGALA TALUK,
NELAMANGALA.

RESPONDENTS NO.1 AND 2 ARE
REP. BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560 001.

...RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP)

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:48166
CRL.RP No. 914 of 2026

THIS CRL.RP IS FILED UNDER SECTION 397 R/W 401 (FILED U/S.438 R/W SEC.442 BNSS) OF CR.P.C PRAYING TO SET ASIDE THE ORDER DATED 06.02.2026 PASSED BY THE LEARNED II ADDL. CIVIL JUDGE AND JMFC, NELAMANGALA, IN C.C.NO.9676/2024 IN REJECTING THE APPLICATION FILED U/S.238 CRPC AND ALLOW THE APPLICATION AND DISCHARGE THE PETITIONER/ACCUSED FOR THE OFFENCE PUNISHABLE UNDER SECTION 123(2) OF REPRESENTATION OF PEOPLE ACT.

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

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

ORAL ORDER

Heard the learned counsel for the revision petitioner and the learned High Court Government Pleader appearing for the respondents.

2. While initiating the criminal prosecution in C.C.No.9676/2024, invoked Section 123(2) of the Representation of People Act, 1950, which speaks about the corrupt practices and also undue influence. When the application was filed before the Trial Court for discharge under Section 239 of Cr.P.C., the Trial Court considering the material on record, comes to the conclusion that whether permission is taken or not as per Section 155(2) of Cr.P.C. does not come under the domain of Section 239 of Cr.P.C. On perusal of the



charge-sheet, it is noticed that there are materials, documents and statements of the witnesses, which shows that the accused has committed offence under the Representation of People Act. The first information and the statement of the witnesses clearly discloses the commission of the offence by the accused.

3. The learned counsel for the revision petitioner would vehemently contend that though invoked Section 123(2) of the Representation of People Act, the same is not a penal provision and the Trial Court fails to take note of the said fact into consideration. The Trial Court though comes to the conclusion that Section 123(2) of the Representation of People Act is not a cognizable offence, but proceeded in an erroneous approach that not a case for discharge of the accused. Unless there is a penal provision to proceed against the accused, the question of continuing the proceedings does not arise. The Trial Court fails to take note of the said fact into consideration.

4. The learned High Court Government Pleader appearing for the respondents would contend that there are materials. But, fairly submits that no penal provision is invoked against the accused in C.C.No.9676/2024.



CNR: KAHC010375602026

NC: 2026:KHC:48166
CRL.RP No. 914 of 2026

5. Under the circumstances, the question of continuing the proceedings against the accused does not arise. Hence, the learned counsel for the revision petitioner has made out the ground to allow the revision petition.

6. In view of the discussions made above, I pass the following:

ORDER

The revision petition is allowed and the proceedings initiated against the revision petitioner/accused is dropped by allowing the application filed under Section 239 of Cr.P.C. discharging the accused.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 12