



CNR: KAHC010528532026

NC: 2026:KHC:43208
CRL.RP No. 1224 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL REVISION PETITION NO.1224 OF 2026

BETWEEN:

SRI K. VENKATESHAN
S/O LATE KANNAN,
AGED ABOUT 46 YEARS,
RESIDING NEAR COURT,
AMBEDKAR NAGAR, OORGAUM POST,
BANGARPETE TALUK, K.G.F,
KOLAR DISTRICT-563 120.

...PETITIONER

(BY SRI NANJUNDA GOWDA M.R., ADVOCATE)

AND:

SMT. REENA
D/O POOBALAN,
AGED ABOUT 41 YEARS,
PRESENTLY RESIDING AT NO.1467,
BALAKRISHNA LAYOUT, MINI IBRAHIM ROAD,
ROBERTSONPET,
K.G.F-563 113.

...RESPONDENT

* * *

THIS CRIMINAL REVISION PETITION IS FILED UNDER SECTION 439 READ WITH SECTION 442 OF THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, PRAYING TO SET ASIDE THE ORDER DATED 28-2-2026 PASSED IN CMC NO.492 OF 2024 ON THE FILE OF THE SENIOR CIVIL JUDGE AND PRINCIPAL J.M.F.C., K.G.F.

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



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CORAM: HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL ORDER

The petitioner-husband has filed this petition under Section 439 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the order dated 28-2-2026 passed in C.M.C. No.492 of 2024 on the file of the Senior Civil Judge and Principal Judicial Magistrate First Class, K.G.F.

2. C.M.C. No.492 of 2024 has been filed by the respondent-wife under Section 144(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, against the petitioner-husband directing him to pay arrears of maintenance of Rs.1,80,000/- and in default to pay the said amount, the same may be ordered to be recovered by issuing arrest warrant against the petitioner-husband and to detain him in prison, until the amount is repaid.

3. Office has raised objection regarding maintainability of this revision petition stating that the petitioner has to approach the Sessions Court against the order dated 28-2-2026 passed in C.M.C. No.492 of 2024 on the file of the Senior Civil Judge and Principal Judicial Magistrate First Class, K.G.F.



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4. Admittedly, C.M.C. No.492 of 2024 is arising out of the order dated 4-12-2021 passed by the Additional Senior Civil Judge and Judicial Magistrate First Class, K.G.F, in D.V.C. No.6 of 2014, wherein the petitioner-husband was directed to pay monthly maintenance of Rs.15,000/- per month.

5. An interim order passed by a trial Court (Magistrate) in a Domestic Violence case must be challenged before the Sessions Court. The petitioner cannot bypass the Sessions Court to approach the High Court directly. Under Section 29 of the Protection of Women from Domestic Violence Act, 2005, an appeal lies exclusively to the Court of Sessions against any order made by the Magistrate. The phrase "any order" in Section 29 of the Protection of Women from Domestic Violence Act, 2005, encompasses both interim orders (such as, interim maintenance under Section 23 the Protection of Women from Domestic Violence Act, 2005) and final orders.

6. The Office has rightly raised the objection regarding maintainability of this revision petition stating that against the order dated 28-2-2026 passed in C.M.C. No.492 of 2024 on the file of the Senior Civil Judge and Principal Judicial Magistrate



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First Class, K.G.F., the petitioner has to approach the Sessions Court. There is no merit consideration in the revision petition. Accordingly, the criminal revision petition is ***dismissed*** as not maintainable.

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

Sd/-
(VENKATESH NAIK T)
JUDGE

KVK
List No.: 1 Sl No.: 1