HC-KAR

NC: 2026:KHC:60198
CRL.RP No. 1516 of 2026

CNR: KAHC010656982026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MRS. JUSTICE GEETHA K.B.

CRIMINAL REVISION PETITION NO. 1516 OF 2026

(397(Cr.PC) / 438(BNSS))

BETWEEN:

1. SMT SARALA B D
   AGED ABOUT 31 YEARS,
   W/O POTTAPPA .K.,

2. KUMARI JANU SANNIDHI,
   D/O POTTAPPA.K.
   AGED ABOUT 10 YEARS

   PETITIONER NO.2 IS MINOR
   REPRESENTED BY HER MOTHER AND NATURAL
   GUARDIAN PETITIONER NO.1
   SMT. SARALA B.D.
   W/O POTTAPPA K.

   BOTH ARE R/AT BOYINAHALLI VILLAGE,
   CHIKKABALLAPUR TALUK
   CHIKKABALLAPURA DISTRICT- 562104

…PETITIONERS

(BY SRI. MOHANA CHANDRA P.,ADVOCATE)

AND:

1. SRI POTTAPPA
   AGED ABOUT 57 YEARS,

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S/O KADIRAPPA

2. SRI. KADIRAPPA
AGED ABOUT 77 YEARS,
S/O NARASAMMA

3. SMT. YERRAMMA
AGED ABOUT 73 YEARS,
W/O KADIRAPPA

ALL ARE R/AT DEVAGANAHALLI VILLAGE,
SIDLAGHATTA TALUK
CHIKKABALLAPUR DISTRICT - 562104

…RESPONDENTS

(BY SRI. SRIRAM M.,ADVOCATE FOR R1;

V/O DTD: 27.10.2026, NOTICE TO R2 & 3 IS D/W)

THIS CRL.RP IS FILED U/S 397 R/W 401 CR.PC (FILED U/S 438 R/W 442 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING TO 1.EXAMINE THE CORRECTNESS, LEGALITY PROPRIETY OF THE IMPUGNED ORDER DATED 30.07.2026 PASSED BY THE COURT OF III ADDL.DIST. AND SESSIONS JUDGE, CHIKKABALLAPURA DISMISSING THE CRL.A.NO.21/2026 FILED BY THE PETITIONERS AND THEREBY CONFIRMED THE ORDER DATED 17.02.2024 PASSED BY THE COURT OF CIVIL JUDGE AND J.M.F.C GUDIBANDE IN DVC NO.5/2019 ALLOWING THE APPLICATION FILED BY THE RESPONDENTS UNDER SEC.91 OF CR.PC AND ISSUED SUMMONS TO THE WITNESS AND ETC.,

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

CORAM: HON'BLE MRS. JUSTICE GEETHA K.B.

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ORAL ORDER

Even though this revision petition is at the stage of admission and hearing on interlocutory application (IA No.1/26), heard both sides on merits with the consent of both sides.

2. This is the revision petition filed under Section 438 r/w. Section 442 of Bharatiya Nagarika Suraksha Samhithe 2023 (in short BNSS 2023) challenging the order dated 30.07.2026 passed in Criminal Appeal No.21/2026 on the file of III Additional District and Sessions Judge, Chikkaballapura and by confirming the order dated 17.02.2024 passed on an application in DVC No.05/2019 on the file of Civil Judge and JMFC, Gudibande and to set aside the aforesaid order.

3. Parties would be referred with their ranks, as they were before the trial court for the sake of convenience and clarity.

4. The revision petitioner and her daughter have filed DVC petition before the trial Court praying for reliefs

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under Protection of Women from Domestic Violence Act, 2005 (in short 'PWDV Act'). In that case, the respondent No.1 has filed two applications under Section 91 of the Criminal Procedure Code, 1908 (in short 'Cr.P.C') seeking permission to produce copies of Video recording; issue directions to the Manager, Airtel Sim shop, Bharathi Airtel office to provide call details; and a direction to Manager, Canara Bank, APMC Yard to provide bank account statement of the petitioner.

5. Both the applications were allowed by the trial Court.

6. Learned counsel for the revision petitioners would submit that he has no objection to summon the bank statement of revision petitioner No.1 but he strongly objected for summoning the call detail record standing in the name of her father and it is being used by her father.

7. Learned counsel for respondent No.1, Sri Sriram.M would submit that already the summons were issued to the Manager of Airtel sim shop and Canara Bank,

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APMC Yard and the Manager Airtel Sim shop has produced the call detail records in a sealed cover and it is before the trial Court.

8. Thus, summoning bank statement of the revision petitioner No.1 is not a question to be decided here.

9. The learned counsel for revision petitioners vehemently submitted that the call detail register pertaining to mobile phone number 96064 24055 is not relevant because the said phone belongs to the father of revision petitioner No.1.

10. It appears that, there is no serious dispute that the said phone stands in the name of father of the revision petitioner No.1. However, it is the specific contention of respondent No.1 that the said phone is being used by the revision petitioner No.1. Anyway, it is a matter of trial and respondent No.1 has to establish before the trial court that the phone in question was being used by the revision petitioner No.1. If respondent No.1 establishes it, then and

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then only he could be permitted to summon the call detail register of the mobile phone number in question. If the call details report is already produced before the trial court and still in the sealed cover, then the trial court shall not open it and keep it in safe custody until it is established before the trial court that the mobile phone in question is being used by the revision petitioner at relevant point of time. Only if said fact is established by the respondent No.1, then the trial Court can open the sealed cover. If the said call detail register is not yet summoned and not produced before the trial Court, then the trial Court can summon it only after it is established that the revision petitioner No.1 was using the said mobile phone at relevant point of time.

11. With these observations this revision petition is disposed of.

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(GEETHA K.B.)
JUDGE

rs/List No.: 2 Sl No.: 6