

Karnataka High Court

M K Sanjeeva Shetty vs N Nagaraja on 11 June, 2008

Author: Subhash B.Adi

in THE man couacr or KARNATAKA AT _

BATED THIS THE 1 1th DAY 01? JUNE~,...3u(_)\$,3'.../.11: _: "

BEFORE

THE HONBLE MR.JUS'E'I4CE SU;\$'HASHTVB';-gij; A'

CRIMINAL REWSION PE*1*:ifIoN Nd.~2(\$0i'2_o6'7

BENNEEN:

!vI.K.Salljec:va Shetty=,V V " Q
S/o late Mahaba}a':3.1;getty;:__ g
"Suma Nilaya"__, -N0. ' ' '

10%: Main, Isticrose, ' '
Shankam Nagazg 3 V -- *
Bangalore-S50 PETITIONER

&. 00.. Advs.)

AND:

P.'::.;N<5.4453, _
' ~Ra\$agopa}a1:age:a1f ' Police Station,

Rajagopalafiagmg - . . .
Bangaisarc. -- . f -- 1=

, RESPONDENT

(By Smt Adrunnisa, Adv.) "1*i;is, Cr1.RP is led u/5-3.397 R/W 401 of Cr.P.C. praying V V set aside the orécr dates} 25.11.2006 passer} in , :.C.C.No.10693/2003 on the c of the XIX ACMM. Bangalore. This mvision iion coming on for admisssien this day. the Court made the following}:

e:1'v~--several times. It does not disclose as 13;).V'~w*hef_fh'er_ "for the Complainant is present or not. The accused is police constable, it is not know}; as to 'e I>;'c1i<:e Censtabile whc is in service is not served and if feels unahie to execute the Warrant against the Police " ~:VVVVC"e\$di1stable, it is strange as to how the warrant should be executed against the ordixxazy person. in my opinion, the order S.

This revision. is directed against the compiaint on the gmund. that, complainant noabsent, N.B.W, not xetmned, f12r1:11er:e1d:Ae;j:s;' d

2. Learned emmse1 for the peeer 1 e' advocate fer the con1p1ainaJ3i'V"e'e».1:x:1\$fs:s ' p1e'se1ft,

hdaJV'es;er, the eompiaint was not presenfanf foe steps. He also submit\$__tb:a\$, acezgsed Poiice Constabie. He was served remained absent. Though he is in s;e1vice,VN5f_£\$Fsi.. A1\$;a1s':2.ct"'')ee11 executed. 3__ The dfhiiej 'V--.S1ieef"ehcWs that. the complainant has dieinieeal ei'.V'fi;e.e:'ecmpiain is on the gmund that, N.B.W. is not is not sustainable and requires reconsideration. The impugned erder is quashed. The Magismate is directed to permit the

->..?□.{\$% petitioner to take fresh steps and also take 10 get the warrant executed against the accused. Q N M Accoréingly, this revision ' payment ofcost c:fRs.2,{ }o{ },'- . ; V' ' . Vv .« V' At this stage, learned for the respondent submits t11a"f:,_._"fEhe .%€%\$;\$f}□\$¢;:Eif'«woulréaigpcar before the Magstxate, if the dat¢VVi_s;? Boflivjjpgaxties are dimctée to appear be\$01"«é"__ \$v\$agiSt:Ea'teVV_(;n 26.6.2008. Sd/-.' Judge