

PRL. CITY CIVIL AND SESSIONS JUDGE

In The Court Of : CCH82 LXXXI ADDL. CITY CIVIL AND SESSIONS JUDGE

CNR Number : KABC010307562026

Case Number : CRL.R.P./0000572/2026

Date : 07-10-2026

PRIYANK M KHARGE Versus TEJAS A

Daily Status

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The learned counsel for petitioner appeared through V.C. The Revision Petitioner filed this Criminal Revision Petition under Sec.438 of BNSS, seeking to call for records and set-aside the order dated 27.06.2026 passed in PCR No.18986/2025 and all subsequent proceedings thereto including CC No.39022/2026 on the file of the learned XLII ACJM, Bengaluru. 2. The Revision Petitioner filed application under Sec.438 of BNSS to stay the further proceedings in CC No.39022/2026 on the file of learned ACJM till the disposal of this revision. 3.Heard Sri.Sandesh J. Chouta, Learned Senior Advocate for Sri. Parithosh S.M., Advocate for revision petitioner. 4.Taking through the complaint averments, the learned Senior Advocate Sri.Sandesh J. Chouta submitted that the respondent/complainant gave different versions as to his connection with Rastriya Swayamsewaka Sangha and he has failed to produce the material to show that he is a member of Rastriya Swayamsewaka Sangha. Further, he has taken through the tweets of petitioner and other accused, pointed out that the respondent/complainant joined the causes of action in one complaint which is impermissible under law. He explained the mode of enrollment to become the member of Rastriya Swayamsewaka Sangha, referring its structure. Further, he pointed out that in order to maintain the complaint for the offence of defamation, the complainant must be an aggrieved person. He submitted that the learned Magistrate proceeded to take cognizance for the offences punishable under Sec.356 of BNS 2023 against the petitioner and another accused and issued summons to him without considering that the respondent/complainant is not an aggrieved person to file the private complaint. He also submitted that the photographs produced are not consistent to the certificate furnished by the respondent/complainant, and the photographs do not prove his affiliation with Rastriya Swayamsewaka Sangha. Referring the decision of Honble Apex Court in the case of Subramanyan Swamy Vs. Union of India reported in (2016) 7 SCC 221, he submitted that the the aggrieved person refers to definite identifiable person who sustained specific legal injury and it would not include any and every person. He further submitted that the learned Magistrate ought to have exercised the judicial discretion taking into consideration the relevant facts and circumstances and examined the authority of the respondent/complainant to file the complaint. Further, taking through the decision of Business Standard Pvt. Ltd., and another Vs. Lohithaksha Shukla and another reported in 2021 SCC Online Del 988, he submitted that in the absence of any material to show that the complainant is a member of Rastriya Swayamsewaka Sangha and he is an aggrieved person, the complaint itself is not maintainable. 5. Further, learned Senior Advocate pointed out that, the learned Magistrate has not properly appreciated that the authority to file the complaint goes to the root of matter, and illegally observed that such issue is matter of trial. He further submitted that the view expressed by the learned Magistrate is contrary to the settled principles of law. Thus, he submitted that the impugned order is not sustainable in law. Further, he submitted that by virtue of the impugned order, the learned Magistrate proceeded for evidence of complainant and	NOTICE	30-10-2026

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therefore, he prays for the interim relief as prayed. 6.I have carefully perused the grounds urged in the revision petition and impugned order in the light of contentions urged by learned Senior Advocate. It appears that the petitioner raised the locus-standi of the complainant to file the private complaint for the offence of defamation before the learned Magistrate and the learned Magistrate holds that such matter has to be decided during trial. The learned Senior Advocate strenuously contends with regard to the authority of the respondent/complainant to present the complaint. The authority to file the complaint is a primary requirement and under the said circumstance, the impugned order passed by the learned Magistrate requires examination in this revision in the light of contentions urged by the learned Senior Counsel. Now, the learned Magistrate issued the summons pursuant to the impugned order, proceeded for evidence and in case, the matter is further proceeded, the purpose of this revision would be defeated. Therefore, this Court is of the considered view that the impugned order passed by the learned Magistrate requires to be stayed till next date of hearing. Hence, I proceed to pass the following. ORDER Further proceedings in CC No.39022/2026 on the file of learned XLII ACJM, Bengaluru is stayed till next date of hearing. Issue notice to Respondent. Call for records by 30.10.2026.		