

**IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT GULBARGA**

DATED THIS THE 13TH DAY OF DECEMBER, 2012

BEFORE

THE HON'BLE MR.JUSTICE MOHAN SHANTANAGOUDAR

CRIMINAL REVISION PETITION NO.2550 OF 2012

BETWEEN:

The State of Karnataka
Through Sub-Division Magistrate cum
Asst. Commissioner, Bijapur.
Represented by its
State Public Prosecutor,
Office of the Advocate General,
Circuit Bench at Gulbarga.

... Petitioner

(By Sri Sanjay A.Patil, Addl.S.P.P.)

AND:

Mallikarjun S/o Kantappa Kulageri,
Aged: Major, Occ: Business,
R/o M/s. M.K.Kulageri Kirana Shop,
Ganapati Chowk, Bijapur.

... Respondent

(Respondent served & un-represented)

This Criminal Revision Petition is filed under Section 397(1) R/w Sec.401 of Cr.P.C. praying to set aside the order dated 02.11.2011 passed in Criminal Appeal No.42/2011 by the Principal Sessions Judge Bijapur, and confirm the order dated 30.11.2010 passed by the Asst. Commissioner, Bijapur in the interest of justice and equity.

This Criminal Revision Petition coming on for order this day, the Court made the following:

ORDER

Respondent though served has remained absent. This revision petition is filed by the State against the judgment passed in Criminal Appeal No.42/2011 by Sessions Court, Bijapur. By the impugned judgment and order the Sessions Court having found that the respondent herein did not have opportunity to defend his case before the Assistant Commissioner, set aside the order passed by the Assistant Commissioner regarding confiscation of sugar and remitted the matter to the Assistant Commissioner.

This Court does not find any error in the impugned judgment inasmuch as the Sessions Judge is justified in setting aside the order passed by the Assistant Commissioner inasmuch as the same was in violation of principles of natural justice. By affording opportunity of hearing to the respondent, the truth will come out. Therefore, no interference is called for. Petition fails and the same stands ***dismissed***.

**Sd/-
JUDGE.**

swk