

ITEM NO.1

COURT NO.4

SECTION IIC

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S). 1565/2016
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 11/12/2015
IN CRLP NO. 4896/2013 PASSED BY THE HIGH COURT OF KARNATAKA AT
BANGALORE)

DR. RAMEGOWDA, I.A.S

PETITIONER(S)

VERSUS

STATE OF KARNATAKA AND ANR
(WITH INTERIM RELIEF AND OFFICE REPORT)

RESPONDENT(S)

Date : 04/01/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s)

Mr. Raju Ramachandran, Sr. Adv.
Mr. S. Udaya Kumar Sagar, Adv.
Ms. Bina Madhavan, Adv.
Ms. Ramandeep Kaur, Adv.
for M/s. Lawyer S Knit & Co, Adv.

For Respondent(s)

Mr. Joseph Aristotle S., Adv.
Mrs. Priya Aristotle, Adv.
Ms. K. Priyadarshini, Adv.

Mr. Shankar Chillarge, Adv.
Mr. M. P. Shorawala, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

alleging offence punishable under Section 114, 119, 120B, 167, 218, 420, 464, 465, 468, 470, 471 of the Indian Penal Code, 1860 as well as offence punishable under Section 9, 13(1)(b)(d) and 13(2) of the Prevention of Corruption Act, 1988. The allegations in the complaint pertained to the use of the land granted by the Government for purposes other than the terms of the grant. Insofar as the present appellant (accused No.8) is concerned, the specific allegations are contained in paragraph 16 of the Complaint Petition, which is extracted below:

"16. It is further submitted that the accused No.1 & 2 manipulated the Kannada version grant order into English Translated copy by inserting "EDUCATION" in the grant conditions to obtain land use certificate for education from accused No.8 and accused No.8 without even looking into the original grant and the manipulations by accused No.1 & 2 issued certificate to use the

belonging to Sri Ramalingeshwara Swamy Temple Trust for education and to run school by accused No.1 & 2 vide LND.S.CR.1246/07-08 dtd. 19.11.2007. Copy of the same is produced and marked as Document No.15. Copy of the Kannada to English translation of land grant conditions in document No.2, 3 & 4 and 6 is produced herewith as Document No.16."

4. From the above it would transpire that the core of the prosecution case against the present appellant is that as the Special Deputy Commissioner he had approved the change of land user enabling the land granted to be used for educational purpose. Further allegation in this regard is that though in the original grant which is in Kannada the word "education purpose" was not mentioned, in the English translation thereof the same was so mentioned.

5. The allegations made in paragraph 16 of the Complaint Petition, extracted

above, do not even allege any criminal intent on the part of the appellant (accused No.8). A reading of the said paragraph, at the highest, would indicate that the appellant (accused No.8) could have been negligent inasmuch as his case as projected in the quashing petition is that he had granted approval on a note being put up by the subordinate official.

6. Taking into account the aforesaid facts, we are of the view that the High Court clearly was in error in passing the impugned order refusing to quash the proceedings against the appellant (accused No.8). We, therefore, interfere; set aside the order of the High Court and quash the criminal proceedings insofar as the appellant (accused No.8) is concerned.

7. The appeal is allowed as indicated above.

....., J.
(RANJAN GOGOI)

....., J.
(ASHOK BHUSHAN)

NEW DELHI
JANUARY 04, 2017