

High Court of Karnataka- Principal Bench at Bengaluru

Daily Status

Principal Bench at Bengaluru

In The Court Of : Honorable Judge

Case Number : WP/0022356/2024

SHRI SIDDARAMAIAH Versus THE STATE OF KARNATAKA

Date : 19-08-2024

Business

: The Chief Minister of the State of Karnataka is before this Court calling in question a communication dated 17.08.2024 by the office of the Governor, appending to it, an order of his Excellency, the Governor, granting approval under Section 17A of the Prevention of Corruption Act, 1988 (&lsquoAct&rsquo for short) for investigation and sanction under Section 218 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (&lsquoBNS&rsquo), which is Section 197 under the earlier regime - the Cr.P.C. 2. Heard the learned senior counsel Dr. Abhishek Manu Singhvi appearing for the petitioner learned Advocate General Sri K Shashikiran Shetty, along with Sri Avishkar Singhvi, Additional Advocate General and Smt Anukanksha Kalkeri, learned High Court Government Pleader for respondent No.1 learned Solicitor General of India Sri Tushar Mehta representing the 2nd respondent along with Sri Abhishek Kumar and Sri Kanu Agarwal Sri Ranganath Reddy, learned counsel appearing for respondent No.3, Sri K G Raghavan, learned senior counsel appearing for Sri Vasantha Kumara, learned counsel for caveator/respondent No.4 and learned senior counsel Sri Prabhuling K Navadgi appearing for Sri Prakash M.H., learned counsel for caveator/respondent No.5. The counsel on record for the petitioner shall serve requisite set of writ petition papers on all the counsels representing the respondents forthwith. 3. Learned senior counsel appearing for petitioner would take this Court through the documents appended to the petition, with particular reference to the order of the Governor impugned, to demonstrate albeit prima-facie that, it bears no application of mind. He also projects that the Governor in a breakneck speed issues a show cause notice on a complaint received on 26.07.2024 on the same day i.e., on 26.07.2024. He would contend that there are several requisitions of the kind pending on the table of the Governor seeking grant of sanction for prosecution. The subject requisition is picked and chosen and notices are issued. He would contend, there is discrimination in answering such requisitions by the Governor. Discrimination he would mean, immediately taking up the subject requisition. It is his contention that these are submissions inter alia. 4. Learned Solicitor General of India representing the Governor would submit that no application is pending as on today, on the table of the Governor, awaiting such sanction. Learned Solicitor General would submit that he would place all the facts on record and the observations in the file, where the decision is taken for approval and sanction to prosecute the Chief Minister is taken. He would submit that it is only permission to investigate the offence and no order interdicting the grant of sanction to investigate or prosecute should be passed at the hands of this Court. 5. Learned senior counsel Sri Prabhuling K Navadgi would also join issue to contend that there should be no interdiction or injunction granted to the order of sanction passed by the Governor to prosecute or investigate the complaint against the Chief Minister. 6. Learned senior counsel Sri K G Raghavan and the learned counsel Sri Ranganath Reddy would also toe the lines of the learned counsel Sri Prabhuling K Navadgi in contending that there should be no injunction to the order of sanction to investigate or prosecute, as the case would be, by the Governor. 7. I have bestowed my anxious consideration to the prima facie submissions that are made by the respective learned senior counsel and other counsels representing the parties. The matter requires consideration. 8. Learned senior counsel for the petitioner would submit and the counsels on the other side would admit that the matter before the concerned Court on 20.08.2024 is for its orders, on whether, a complaint would be entertained without the sanction being accorded to investigate/prosecute the Chief Minister. In the interregnum sanction is granted. The said order of grant of sanction is challenged before this Court. The matter is being heard. If the concerned Court were to pass any order on its listing tomorrow – 20.08.2024, it would undoubtedly frustrate the subject proceedings, if not, a fait accompli. 9. Therefore, despite vehement opposition of counsels representing respondents 3, 4 and 5 that there should be no injunction granted to the order of the Governor, I deem it appropriate to direct the concerned Court to defer the proceedings and direct no precipitative action be taken pursuant to the impugned sanction, till the next date of hearing, since the matter is being heard by this Court. 10. It is further directed that pleadings be complete by the next date of hearing. Therefore, objections if

any, by any, by then. List the matter on 29.08.2024 at 2.30 p.m., for further hearing.

Short Order : 1-ADJOURNED
Reason for Adjournment : ADJOURNED
Next Purpose : FRESH MATTER/S
Next Hearing Date : 29-08-2024

Honorable Judge