



CNR: KAHC010017832026

NC: 2026:KHC:50488-DB
WA No. 99 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT APPEAL NO. 99 OF 2026 (GM-KLA)

BETWEEN:

1. SRI. K H THIMMAIAH
S/O LATE HALLAPPA
AGED BOUT 71 YEARS
OCCUPATION: ADDITIONAL REGISTRAR OF
CO-OPERATIVE SOCIETIES (RETIRED)
R/AT NO. 1102, 10th FLOOR
RAM SRIDHAR APARTMENTS
16th MAIN, BTM LAYOUT
2nd STAGE, BENGALURU - 560076

...APPELLANT

(BY SRI JAYAKUMAR S. PATIL, SENIOR ADVOCATE A/W
SRI KUMARA, ADVOCATE)

AND:

1. THE KARNATAKA LOKAYUKTHA
M.S. BUILDINGS
DR. B.R. AMBEDKAR ROAD
BENGALURU - 560 001
2. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF CO-OPERATIVE SOCIETIES
BENGALURU - 560 001

...RESPONDENTS

(BY SRI. VENKATESH S. ARBATTI, ADVOCATE FOR R-1 &
SRI K.S. HARISH, GOVERNMENT ADVOCATE FOR R-2)

Digitally
signed by
SRIDEVI S
Location:
High Court
of Karnataka



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THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 16.10.2025 IN W.P. No. 53762/2017 PASSED BY THE HON'BLE SINGLE JUDGE OF THIS HON'BLE COURT BY ALLOWING THE APPEAL & ETC.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. For the reasons stated in I.A.No.3/2026, the application is allowed. The delay of 54 days in filing the appeal is condoned.
2. The appellant has filed the present appeal impugning an order dated 16.10.2025 passed by the learned Single Judge in WP.No.53762/2017(GM-KLA). The said petition was filed by the respondent (Karnataka Lokayuktha) impugning an order dated 02.05.2017 passed by the State of Karnataka rejecting the request of the Additional Director of Police, Karnataka Lokayuktha for sanction of prosecution under Section 197 of the Criminal Procedure Code [**CrPC**] for framing charges against the appellant,



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the Additional Registrar of Co-operative Societies, under Section 13(1)(d) r/w Section 13(2) of the Prevention of Corruption Act, 1988 and Section 120(B) of the Indian Penal Code [**IPC**]. The learned Single Judge faulted the said endorsement and accordingly set it aside. The principal controversy centres around paragraph 10 of impugned judgment, which is set out below:

"10. It is also forthcoming from the order dated 07.04.2016 in WP.No.5963/2016 (Annexure-D), wherein respondent No.2 has preferred the aforementioned writ petition, which came to be dismissed by this court by rejecting the contention raised by respondent No.2 herein seeking benefit under Section 127 of the Karnataka Co-operative Societies Act, which has reached finality. In that view of the matter, the petitioner herein has made out a case that, respondent No.1 herein by order dated 02.05.2017 (Annexure-G) has not considered the aforementioned aspects and has whimsically, without application of mind, by considering Section 127 of the Karnataka Co-operative Societies Act which has already been considered and rejected by this Court in the petition filed by respondent No.2 in WP.No.5963/2016 dated 07.04.2016 (Annexure-D) and therefore respondent No.1 has not properly appreciated the entire material on record in a manner known to law and has passed the impugned order at Annexure-G erroneously which requires to be quashed. Therefore, I am of the opinion that the sanction be accorded for taking action against the respondent No.2 in a manner known to law."

3. The learned counsel for the petitioner submits that the learned Single Judge had erred in proceeding on the basis that the



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benefit of Section 127 of the Karnataka Co-operative Society's Act, 1969 [**the Act**] was unavailable and the said issue was concluded against the appellant by an order dated 07.04.2016 in WP.No.5963/2016. It is submitted that the said order dated 07.04.2016 rejected WP No. 5963/2016 without examining the merits of any of the disputes. Therefore, no final determination was made on any of the questions involved. Second, it is stated that the learned Single Judge had proceeded to accord sanction, which the court could not do, as that is a decision to be taken by the State.

4. The learned counsel for the parties are *ad idem* that, at the stage of granting sanction, the question of immunity under Section 127 of the Act may not be of a relevant consideration. Therefore, it is not necessary to examine whether the appellant is entitled to the benefit of the said provision or not at this stage. There is also no cavil that the court ought not to have granted sanction, as that was the decision required to be taken by the Government.

5. The learned counsel appearing for the respondent submitted that the last sentence of paragraph 10 of the impugned order, as set out above, cannot be read as to mean that the learned Single



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Judge has accorded the sanction. The court has merely directed that the sanction be accorded in a manner known to law.

6. The learned Senior Counsel appearing for the appellant also agrees that the grievance in this regard would be resolved if this is clarified.

7. In view of the above, we dispose of the present petition by setting aside the order insofar as it holds that the question of whether benefit of Section 127 of the Act is available to the appellant stands concluded. We clarify that the question whether benefit is available or not would be decided by an appropriate forum at an appropriate stage. In other words, the defence, if taken, would be considered by the concerned Court.

8. Second, we also clarify that the impugned order cannot be read to mean that the learned Single Judge has accorded sanction for the appellant's prosecution. The said decision would be required to be taken by the Government afresh, albeit bearing in mind the observations made by the Court. This order is passed with the consent of the counsel for the concerned parties.



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9. The present appeal is disposed of in the aforesaid terms.
10. Pending applications also stand disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(K.S. HEMALEKHA)
JUDGE**

SD
List No.: 1 Sl No.: 10