



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 443 OF 2025 (A)

BETWEEN:

STATE BY SUPERINTENDENT OF POLICE
KARNATAKA LOKAYUKTA,
MYSURU DIVISION,
MYSURU-570 001,
REPRESENTED BY SPL.P.P.,
BANGALORE-58.

...APPELLANT

(BY SRI. B.B. PATIL, ADVOCATE)

AND:

1. SRI. B.K. SUNDAR
S/O KUNNIYAPPA,
AGED ABOUT 75 YEARS,
R/A SULAGALALE,
SHANIVARA SANTHE HOBLI,
KODAGU DISTRICT-571 201.
2. SRI. M. GIRISH
S/O LATE N. MAHADEVAPPA,
AGED ABOUT 49 YEARS,
SENIOR SUB-REGISTRAR,
MYSURU EAST, MYSURU.



R/A NO.413, 6TH A CROSS,
SANMARGA, SIDDHARTHANAGAR,
MYSURU-570 011.

3. SMT. L.J. HAMSAVENI
W/O S. SURESH,
AGED ABOUT 64 YEARS,
DISTRICT REGISTRAR AND
SUB-COMMISSIONER OF STAMPS,
MYSURU DISTRICT, MYSURU.
R/AT # 373, 1ST E CROSS,
2ND STAGE, LIC COLONY,
SRIRAMPURA, MYSURU-570 008.
4. SRI. B.R. VASU
S/O B.V. RAJAPPA,
AGED ABOUT 66 YEARS,
REAL ESTATE BUSINESS,
R/AT # 114/5, 6TH CROSS,
BESTHARA BLOCK,
NEAR KANAKAGIRI,
VIDYARANYAPURAM,
MYSURU-570 008.
5. SRI. R. MAHADEVA
S/O LATE T. RAJU,
AGED ABOUT 50 YEARS,
R/AT # 2/2/1, JANATHA LAYOUT,
POLICE BOOTH MAIN ROAD,
D BLOCK, J.P. NAGARA,
MYSURU-570 008.
6. SRI. L. RAVIKUMAR
S/O LAKSHMAN,
AGED ABOUT 52 YEARS,
R/AT # 1701, 9TH CROSS,



A & F BLOCK,
RAMAKRISHNA NAGARA,
MYSURU-570 022.

...RESPONDENTS

(BY SRI. VINAY N., ADVOCATE FOR R1;
SRI. DINAKAR M.P., ADVOCATE FOR R2;
SRI. MAHADEVA DESHAK, ADVOCATE FOR R3 TO R6)

THIS CRL.A. IS FILED U/S 378(2) AND (3) CR.P.C.,
PRAYING TO SET ASIDE THE JUDGMENT DATED 31.12.2021
ACQUITTING THE RESPONDENT PASSED BY THE III
ADDITIONAL SESSIONS & SPECIAL JUDGE AT MYSURU IN
SPECIAL CASE:63/2014 FOR THE OFFENCE PUNISHABLE
UNDER 109, 120-B, 465, 466, 467 & 471 READ WITH 34 OF
IPC, SEC.81 & 82 OF REGISTRATION ACT, 1908 AND
SECTIONS 13(1)(d)(ii)(iii) READ WITH SECTION 13(2) OF THE
PREVENTION OF CORRUPTION ACT, 1988 AND CONSEQUENTLY
CONVICT THE RESPONDENTS FOR THE SAID OFFENCES.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
and
HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ)

The appellant has challenged the judgment dated
31.12.2021 passed by the Court of the III Additional
Sessions and Special Judge, Mysuru in Spl.C.No.63/2014,



acquitting the respondents of the charges leveled against them.

2. Charges were framed for offences punishable under Section 13(1)(d)(ii)(iii) r/w 13(2) of Prevention of Corruption Act, 1988, Section 466, 468, 474, 420 r/w 120B of IPC and Section 81 and 82 of the Registration Act, 1908.

3. The impugned judgment was passed on 31.12.2021. The appeal is preferred on 18.02.2025. There is an inordinate delay of 997 days in preferring the appeal. I.A.No.1/2025 is filed to condone the delay.

4. Learned counsel for respondent has filed statement of objections to I.A.No.1/2025.

5. We have heard the learned counsel for appellant and learned counsel for respondents. Perused the affidavits filed in support of I.A.No.1/2025.

6. In the first affidavit dated 17.02.2025 filed by Sri Ashok Kumar T., Police Inspector, Karnataka



Lokayukta, Mysuru, it is stated that the anticorruption Bureau Authority came to be abolished by the Division Bench of this Court vide order dated 11.08.2022 in W.P.No.19386/2016 and connected matters with a direction to transfer all the pending cases registered by the ACB Authority to Karnataka Lokayukta. The transfer of pending cases was delayed due to administrative reasons and due to which there was delay in filing the appeal.

7. In the second affidavit dated 17.02.2025 filed by Sri Ashok Kumar T., Police Inspector, Karnataka Lokayukta, the facts of the case are narrated and it is stated that the appellant has good case on merits and if the accompanying application was not allowed, the appellant would suffer great loss.

8. In the third affidavit dated 16.12.2025 filed by Sri Shashi Kumar, serving as Police Inspector-01, Karnataka Lokayukta, it is stated that, after disposal of the writ petition holding the creation of ACB was legally unsustainable, all the cases, investigations, records,



property Registers, trap proceedings, files and chargesheets handled by the ACB were to be transferred to the Karnataka Lokayukta. The abolition of the ACB had a significant administrative and functional impact. Overnight, thousands of pending ACB matters ranging from preliminary enquiries, ongoing investigations, FIR's, Chargesheets and appeals were required to be physically and digitally transferred to Karnataka Lokayukta. The process of transferring ACB cases was delayed due to administrative, logistical and coordination issues including retrieval of old records, sorting of files and re-numbering of proceedings. In addition, Lokayukta continued to receive fresh complaints and investigations and prosecutions. As a result, the officers were compelled to prioritize urgent matters, statutory time bound compliances and cases involving eminent deadline. It is further stated that in the year 2023, the General Elections to the State Assembly were announced due to which the transition phase and related administrative initiatives that



had to be taken as regards to transfer of files were further delayed till the conclusion of the Elections in May, 2022.

9. In the case of ***SHIVAMMA (DEAD) BY LR v. KARNATAKA HOUSING BOARD AND OTHERS (2025 INSC 1104)*** the Hon'ble Supreme Court has stated that sufficient cause must be construed in a manner that advances substantial justice while preserving the discipline of limitation. Public interest does not lie in condoning governmental negligence, but in compelling efficiency, responsibility and timely decision-making. It is also held that condonation of delay cannot be claimed as a matter of right. It is further held that, in cases involving the State and its agencies/instrumentalities, the Court can take note of the fact that sufficient time is taken in the decision-making process, but, no premium can be given for total lethargy or utter negligence on the part of the officers of the State and/or its agencies/instrumentalities and the applications filed by them for condonation of delay cannot be allowed as a matter of course by accepting the plea



that dismissal of the matter on the ground of bar of limitation will cause injury to the public interest.

10. In the case of ***Postmaster General v. Living Media India Ltd., (2012) 3 SCC 563***, the Hon'ble Supreme Court in Para 29 has held as under:

"29. In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bona fide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for the government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few."

11. As already noted, the impugned judgment was passed on 31.12.2021. The appeal was filed on 18.02.2025. General statements are made that after this



Court's dismissal of W.P.No.19386/2016, holding creation of ACB as unsustainable, the files etc., were transferred to the Karnataka Lokayukta and due to various administrative reasons, the appeal could not be preferred in time. It is also stated that due to general election in the year 2023, due to which the transition phase and related administrative initiatives that had to be taken, hence, transfer of files were further delayed till the conclusion of the Election.

12. We have noticed that the writ petition was disposed of by this Court on 11.08.2022 and even according to the statement made in the affidavit, the general Election concluded in the year, 2023.

13. As per affidavit, the officers were compelled to prioritize the urgent matters involving imminent deadlines. However, the instant appeal is filed after an inordinate delay of 997 days. The delay from 2023 till filing of the appeal on 18.02.2025, is not at all explained. We are not satisfied with the reasons assigned in the affidavits



accompanying the application seeking condonation of delay. Hence, I.A.No.1/2025 is dismissed, consequently, I.A.No.2/2025 and appeal stand **dismissed**.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

Sd/-
(G BASAVARAJA)
JUDGE

HB,LDC
List No.: 1 Sl No.: 5