

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 5680 OF 2021 (GM-KLA)

BETWEEN:

THE STATE OF KARNATAKA,
REP. BY INSPECTOR OF POLICE,
KARNATAKA LOKAYUKTHA POLICE,
MYSURU - 570 001.

...PETITIONER

(BY SRI. B.S. PRASAD, SPECIAL COUNSEL)

AND:

1. THE STATE OF KARNATAKA
REP. BY UNDER SECRETARY
MINISTRY OF FINANCE (EXCISE)
VIDHANA SOUDHA
BENGALURU - 560 001.

2. DR. Y. MANJUNATH
S/O Y DEVENDRAPPA
AGED ABOUT 37 YEARS,
R/O NO.1056, HAMSA,
NEW KANTHARAJU URS ROAD,
KUVEMPU ROAD,
MYSURU - 570 023

...RESPONDENTS

(BY SRI. M. SRINIVAS KUMAR, HCGP FOR R1
SRI. SANDESH J CHOUTA, SR. COUNSEL FOR
SRI. RAGHAVENDRA K., ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE ORDER DATED.23.12.2017 IN NO. AA E 109 EPS
2012, VIDE ANEXURE-G ISSUED BY R1.

Digitally
signed by
SUMA B N
Location:
HIGH COURT
OF
KARNATAKA

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED ON 06.08.2026 FOR ORDER COMING ON FOR PRONOUNCEMENT THIS DAY, THIS COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

CAV JUDGMENT

1. This writ petition is by Karnataka Lokayukta Police being aggrieved by Order dated 23.12.2017 passed by respondent No.1 as per Annexure-G, declining to grant sanction to prosecute respondent No.2 herein for the offences punishable under the provisions of Prevention of Corruption Act, 1988 (PC Act, 1988 for brevity).
2. Brief facts of the case are that;
 - 2.1 Upon receipt of credible information, that officers in Excise Office, Mysore, were demanding illegal gratification for renewal of licence, the Superintendent of Police, Karnataka Lokayukta, obtained a search warrant on 27.06.2012 and conducted raid in the Excise Office Range -1 and Range-4 of Nazarabad, Mysore. That during the said raid, he seized a sum of Rs.82,000/- from Excise Office Range-4 and Rs.1,64,000/- from Excise Office

Range-1. He also purportedly seized true copies of the documents.

2.2. That during the course of the said raid, one Chandrasekhar had produced a CD containing voice recording of demand of illegal gratification by respondent No.2 which was also seized. That he recorded statement of owners of the liquor shops and obtained explanation offered by accused Nos.1 to 7, who are the officials of Excise department. That said accused Nos.1 to 7 had stated that they were directed by respondent No. 2 herein to collect the amount for the purpose of renewal of each license. Thereafter, case was registered in FIR No.11/2012 for the offence punishable under Section 13(1)(d) (e) read with Section 13(2) of the PC Act, 1988.

2.3 That the Investigation Officer had obtained Expert's opinion to ascertain the voice of the perpetrators. That the report obtained therefrom revealed that the disputed conversation tallied with the voice samples of respondent No.2. Investigation was completed. Charge sheet was prepared. Sanction to prosecute respondent No.2 was

sought from respondent No.1 by furnishing charge sheet materials.

- 2.4 The respondent No.1-Excise Department granted sanction to prosecution accused Nos.1 to 7 by Order dated 18.02.2017 and 15.04.2017 under Section 19(1)(c) of the PC Act, 1988 as per Annexure-F and F1 respectively. However, refused to grant sanction to prosecution respondent No.2 by the impugned order dated 23.12.2017 as per Annexure-G. That there was delay in filing the writ petition as the matter was under consultation. Eventually COVID-19 pandemic setting resulting in delaying filing the writ petition.
3. Sri. B.S.Prasad, learned counsel appearing for the petitioner reiterating the averments and the grounds urged in the memorandum of petition submitted;
- 3.1. That the respondent No.1-sanctioning authority has declined to grant sanction without appreciating the charge sheet material furnished by the petitioner and without applying mind to the same.

- 3.2. That the respondent No.1-sanctioning authority has apparently sat on appeal over the materials furnished by the petitioner and has undertaken the task of appreciating the admissibility or otherwise of the material evidence which is impermissible.
- 3.3. The respondent No.1-sanctioning authority which has granted sanction to prosecute accused Nos. 1 to 7 on the very same allegations of they receiving the gratification at the instance of respondent No.2, has however refused to grant the sanction to prosecute respondent No.2 on the very same material.
- 3.4. That the owners of the liquor shops have clearly given the statement to the petitioner regarding demand made by respondent No.2 and the amount paid in furtherance to the said demand.
- 3.5. That the CD containing the conversation between respondent No.2 and the liquor shops owners establishes the factum of demand and payment of illegal gratification.

- 3.6. That amount seized from the Office of Excise Range-1 and Range-4 under mahazar is the further strong evidence and the circumstance of proof of demand and acceptance.
- 3.7. That non-production of certificate under Section 65B of the Evidence Act, 1872 at the stage of considering case for sanction, cannot be the reason to decline grant of sanction as the said certificate can be produced at any stage during the trial.
- 3.8. That the petitioner had made out a *prima facie* case by investigating and collecting the material information which is sufficient enough for the respondent No.1-sanctioning authority to grant the sanction. Instead, the respondent No.1-sanctioning authority has gone on to give its finding on the merits or otherwise of the material collected by the petitioner during the investigation.
- 3.9. On the question of limitation, he relies upon the judgments of the Apex Court in the cases of **STATE OF NAGALAND V. LIPOK AO AND OTHERS¹** and **COLLECTOR, LAND ACQUISITION, ANANTNAG AND**

¹ (2005) 3 SCC 752

ANOTHER V MRS. KATJI AND OTHERS² and submits that when substantial justice and the technical consideration are pitted against each other, the cause of substantial justice deserves to be preferred. And that in the instant case, prosecution has collected the material during investigation, *prima facie* establishing the guilt of the respondent No.2, who shall not be allowed to go scot-free merely on the technicalities.

3.10. He relies upon the judgment of the Apex Court in the case of ***SITA SOREN V. UNION OF INDIA*** passed in ***CRL.A.No.451/2019*** to contend that mere proof of demand is sufficient to proceed against the accused and proof of acceptance can be inferred from the circumstances. That the FIR was registered after conducting of raid, as the information received was credible, which process is permissible and recognized under law. He also submits that the petitioner-Lokayukta police had made entries in the General Diary which was to be treated as First Information Report.

² (1987) 2 SCC 107

3.11. He also relied upon the judgment in Apex Court in the case of **LALITHA KUMARI V. GOVERNMENT OF UTTAR PRADESH AND OTHERS³** to point out the circumstances under which registration of FIR was mandatory and the cases where non-registration of FIR was not fatal.

3.12. That in instant case, reliable information was received by the petitioner and not to waste any time, Investigation officer had to rush, which is also recognized as held by this Court in the case of **YUNUS ZIA V. STATE OF KARNATAKA AND ANOTHER** passed in **Crl.A.No.594/2015**.

3.13. He relied upon the judgment of Apex Court in the case of **SUPERINTENDENT OF POLICE, CBI & OTHERS V. TAPAN KUMAR SINGH⁴**, as well as order dated 14.03.2017 passed by the Coordinate Bench of this Court in the case of **SRI CHANDRASHEKHAR ELIGAR V STATE BY LOKAYUKTA** passed in **W.P.No.108338/2015**.

Hence, seeks for allowing of the petition.

³ (2014) 2 SCC 1

⁴ (2003) 6 SCC 175

4. In response, Sri. Sandesh J Chouta, learned Senior counsel appearing for Sri. Raghavendra K, for respondent No.2 submits;

4.1. That the impugned order was passed on 23.12.2017 and the writ petition has been filed on 16.03.2021, which is after lapse of more than 4 years. He refers to paragraph 6 of the writ petition to submit that no explanation whatsoever let alone sufficient cause is pleaded in the writ petition for the delay. The delay cannot be condoned for administrative lapses. And in support of the same, he relies upon the judgment of the Apex Court in the cases of ***SHEORAJ SINGH (DECEASED) THROUGH LEGAL REPRESENTATIVES AND OTHERS V. UNION OF INDIA⁵, STATE V. YOGESH AND ANOTHER⁶, STATE OF ODISHA V. MANAGEMENT COMMITTEE OF NAMATARA GIRLS HOSTEL⁷.***

4.2. That admittedly FIR was not registered. Any investigation undertaken by the petitioner without registering the FIR is impermissible, more particularly, in the cases involving

⁵ (2023) 10 SCC 531

⁶ 2025 SCC ONLINE DEL.4718

⁷ 2026 SCC ONLINE SC 191

allegation of demand and payment of bribe. That the Petitioner-Lokayukta cannot claim and conduct a raid merely on receiving the credible information, without registering an FIR. To support this contention he relies upon the judgment of this Court in the case of **DR. M. K. PUSHPITHA V. STATE OF KARNATAKA AND ANOTHER** passed in **W.P.No.10241/2021** dated **04.08.2021** and in the case of **K. T. GURUPRAKASH v. STATE OF KARNATAKA** passed in **Crl.P.No.6845/ 2017** dated **27.03.2024** and judgment of the Apex Court in the case of **SOMASHEKHRAPPA V. KARNATAKA LOKAYUKTA**⁸.

- 4.3. That no trap was conducted which is essential to prove the factum of demand and payment in the cases falling under the provisions of PC Act, 1988. He relies upon the judgment of the Apex Court in the cases of **MIR. MUSTAFA ALI HASMI V. STATE OF ANDRA PRADESH**⁹, **C.M. SHARMA V. STATE OF ANDRA PRADESH**¹⁰, **B JAYARAJ V. STATE OF ANDRA**

⁸ 2013 SCC ONLINE KAR. 1305

⁹ (2024) 10 SCC 489

¹⁰ (2010) 15 SCC 1

PRADESH¹¹, N. VIJAYAKUMAR V. STATE OF TAMIL NADU¹² and STATE OF LOKAYUKTA POLICE, DAVANAGERE V. C.B. NAGARAJ¹³.

4.4. That mere recovery of the cash even if accepted on the face value is insufficient, inasmuch as, element of demand and acceptance has to be proved as a matter of fact. He relies upon the judgment of the Apex Court in the cases of ***BANARSI DASS V. STATE OF HARYANA¹⁴, SOMARAJU V. STATE OF ANDRA PRADESH¹⁵.***

4.5. That since accused Nos.1 to 7 who alleged to have received the bribe amount upon purported instruction of respondent No.2 herein who is accused No.8 have been exonerated of the offences, the petitioner-Lokayukta cannot possibly prove the factum of demand and acceptance.

4.6. That there are no claimants in this case. If the prosecution had received the CD during investigation as claimed, prosecution ought to have registered the first

¹¹ (2014) 13 SCC 5

¹² (2021) 3 SCC 687

¹³ 2025 SCC ONLINE SC 1175

¹⁴ (2010) 4 SCC 450

¹⁵ SCC Online SC 2291.

information report and proceeded to conduct trap mahazar thereof. That in the instant case, raid was conducted at the Excise Office Range-1 and Range-4 and not at the office of respondent No.2. Thus, even at the time when the raid was conducted, respondent No.2 was not present at the spot and no amount or any material whatsoever has been recovered from him.

4.7. That the petitioner prosecution after conducting the purported raid at Excise Office Range-1 and Range-4 had proceeded to the office of the respondent No.2, even there, respondent No.2 was not present. Eventually, they had allegedly recovered sum of Rs.6,160/- from the security guard and sum of Rs.1,49,000/- during search of house of the respondent No.2 and thereafter they had filed an FIR in Crime No.12/2012 against respondent No.2. Respondent No.2 had filed a quash petition challenging the said FIR which has been allowed.

4.8. That once granting of sanction is declined, there is no provision under law for review of said order on the very same material.

4.9. He also refers to a communication dated 19.07.2019 issued by the Karnataka Lokayukta and the order dated 11.08.2020 and submits that after passing of the impugned order on 23.12.2017 by the respondent No.1-sanctioning authority, petitioner Lokayukta had issued the said communication on 19.07.2019 seeking review of the order which has also been declined by another order dated 11.08.2020. This subsequent Order dated 11.08.2020 has neither been brought to the notice of the Court nor the same has been challenged by the petitioner-Lokayukta. Thus, he submits that petitioner is guilty of suppression of facts.

4.10. That the petition filed by accused Nos.1 to 7 has been quashed by order dated 04.06.2024. The Special Leave Petition in SLP (Criminal) Diary No.42612/2025 filed by the petitioner-Lokayukta challenged the said order has been rejected on 16.09.2025. As such, even if sanction is accorded, the prosecution cannot proceed to conduct trial in the absence of accused Nos.1 to 7 who according to the prosecution are the persons who have received the bribe amount for and on behalf of the respondent No.2.

That there is no possibility of arraigning accused Nos.1 to 7 as accused in this matter particularly the case of this nature. Hence, seeks for dismissal of the petition.

5. In response, counsel for the petitioner relies upon judgment of the Apex Court in the case of **MUNICIPAL CORPORATION OF DELHI V. RAM KISHAN ROHTAGI AND OTHERS**¹⁶ as well as in the case of **RAJENDRA SINGH V. STATE OF U.P. AND ANOTHER**¹⁷.

- 5.1. Referring to paragraph 17 of the judgment in the case of **RAJENDRA SINGH** (supra) which refers to judgment in the case of **MUNICIPAL CORPORATION DELHI** (supra), he submits that there is no bar to initiate action or arraigning accused Nos.1 to 7 as accused in exercise of power under Section 319 of the Code of Criminal Procedure, 1973 even if cases against them had been quashed.

- 5.2. He also relies upon another judgment of the Apex Court in the case of **ARTI MEHTA AND OTHERS V. THE**

¹⁶ (1983) 1 SCC 1

¹⁷ (2007) 7 SCC 378

STATE OF MADHYA PRADESH AND ANOTHER passed in **SLP(Criminal) No.18345/2024** to contend that quashing of the proceedings in exercise of power under Section 482 of Cr.PC is not equal to acquittal after trial. Therefore, there is every legally recognized possibility to re-array accused Nos.1 to 7 as parties during the trial and the same would not amount to double jeopardy.

5.3. That the principle of bar to review the order declining sanction is not a universal rule. If this Court sets aside the order declined to grant sanction, the matter can be remitted to the respondent No.1-sanctioning authority to reconsider the same, inasmuch as, the order declined to re-grant has been passed without appreciating the material evidence placed by the petitioner-Lokayukta.

6. Heard. Perused the records.

7. The point that arises for consideration is;

"Whether petitioner-Lokayukta has made out a case for setting aside the impugned order passed by respondent No.1 declined to grant the sanction to prosecute to respondent No.2 and for reconsideration of the said matter?"

8. Purpose of granting sanction to prosecute the Government Official and the scope of the same has been dealt with by the Apex Court in the case of **CENTRAL BUREAU OF INVESTIGATION V. ASHOK KUMAR AGGARWAL**¹⁸ wherein at paragraphs 13 and 16, the Apex Court has held as under;

"13. The prosecution has to satisfy the court that at the time of sending the matter for grant of sanction by the competent authority, adequate material for such grant was made available to the said authority. This may also be evident from the sanction order, in case it is extremely comprehensive, as all the facts and circumstances of the case may be spelt out in the sanction order. However, in every individual case, the court has to find out whether there has been an application of mind on the part of the sanctioning authority concerned on the material placed before it. It is so necessary for the reason that there is an obligation on the sanctioning authority to discharge its duty to give or withhold sanction only after having full knowledge of the material facts of the case. Grant of sanction is not a mere formality. Therefore, the provisions in regard to the sanction must be observed with complete strictness keeping in mind the public interest and the protection available to the accused against whom the sanction is sought.

16. In view of the above, the legal propositions can be summarised as under:

16.1. The prosecution must send the entire relevant record to the sanctioning authority including the FIR, disclosure statements, statements of witnesses, recovery memos, draft charge-sheet and all other relevant material. The record so sent should also contain the material/document, if any, which may tilt the balance in favour of the accused and on the basis

¹⁸ (2014) 14 SCC 295

of which, the competent authority may refuse sanction.

16.2. The authority itself has to do complete and conscious scrutiny of the whole record so produced by the prosecution independently applying its mind and taking into consideration all the relevant facts before grant of sanction while discharging its duty to give or withhold the sanction.

16.3. The power to grant sanction is to be exercised strictly keeping in mind the public interest and the protection available to the accused against whom the sanction is sought.

16.4. The order of sanction should make it evident that the authority had been aware of all relevant facts/materials and had applied its mind to all the relevant material.

16.5. In every individual case, the prosecution has to establish and satisfy the court by leading evidence that the entire relevant facts had been placed before the sanctioning authority and the authority had applied its mind on the same and that the sanction had been granted in accordance with law".

9. Similarly, in the case of ***SUPERINTENDENT OF POLICE (CBI) V. DEEPAK CHOWDHARY AND OTHERS***¹⁹, the Apex Court in paragraph 5 has held as under;

"5. We find force in the contention. The grant of sanction is only an administrative function, though it is true that the accused may be saddled with the liability to be prosecuted in a court of law. What is material at that time is that the necessary facts collected during investigation constituting the offence have to be placed before the sanctioning authority and it has to consider the material. Prima facie, the authority is required to reach the satisfaction that the relevant facts would constitute the offence and then either grant or refuse to grant sanction. The grant of sanction, therefore, being administrative act the need to provide an opportunity of

¹⁹ (1995) 6 SCC 225

hearing to the accused before according sanction does not arise. The High Court, therefore, was clearly in error in holding that the order of sanction is vitiated by violation of the principles of natural justice."

10. Thus, the process of grant of sanction is a matter of serious nature, which if granted, would enable the prosecution to proceed against a Government servant. The requirement of grant of sanction is to prevent any frivolous or vexatious prosecution.
11. In the instant case, admittedly there is no formal complaint given by any person alleging demand for bribe by respondent No.2. It is apparently based on certain credible information, petitioner-Lokayukta police had obtained search warrant and had proceeded to Excise Office Range-1 and Range-4 and conducted raid and in the process they apparently found cash in possession of accused Nos.1 to 7. Respondent No.2 was not present at the spot.
12. It is during the said raid, apparently while recording the statement one of the witnesses, namely, Chandrashekar has presented the CD and authenticity of which is also not brought on record by the petitioner-Lokayukta. It is

during the process of this investigation the prosecution has recovered some of Rs.1,64,000/- in Excise Office Range-1 and Rs.82,000/- in Excise Office Range-4. Mahazar in this regard has been drawn. The accused Nos.1 to 7 had approached this Court challenging the registration of the said FIR, which was allowed by this Court in W.P.No.159/2022 on 04.06.2024 and the crime against them has been quashed. This order has been carried by the appellant -Lokayukta to the Apex Court in SLP (Criminal) No.42612/2025 and the same has also resulted in dismissal.

13. Similarly, record revealed on the very same day, petitioner- Lokayukta registered another case in Crime No.12/2012 against respondent No.2, challenging the same the respondent No.2 had preferred a criminal petition in CrI.P.No.4680/2012 which was also allowed by order dated 15.02.2013. The said order also has attained finality. Thus, case of the petitioner-Lokayukta as against accused Nos.1 to 7 stands quashed and the same has attained finality. Similarly, even as against respondent

No.2 a second case in Crime No.12/2012 has also been quashed and the same has also attained finality.

14. The only issue which is now pending is, non-consideration of granting of sanction by the respondent No.1-sanctioning authority. Law, as noted above, clearly indicates granting of sanction is administrative exercise of power by the authorities, who are required to apply their mind to the material collected during the investigation by the prosecution and make out if the same reflect and make out a *prima facie* case against respondent No.2.
15. It is necessary at this juncture to refer to the impugned sanction order dated 23.12.2017 as per Annexure-G, which read as under;

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ಸಂಖ್ಯೆ:ಆಇ 109 ಇಪಿಎಸ್ 2012 ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಸಚಿವಾಲಯ,
ವಿಧಾನಸೌಧ, ಬೆಂಗಳೂರು,
ದಿನಾಂಕ:23.12.2017

ಇಂದ:

ಸರ್ಕಾರದ ಅಪರ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿ,
ಆರ್ಥಿಕ ಇಲಾಖೆ,

ಇವರಿಗೆ:

ಅಪರ ಪೊಲೀಸ್ ಮಹಾನಿರ್ದೇಶಕರು,
ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ , ಬೆಂಗಳೂರು-560001

ಮಾನ್ಯರೆ,

ವಿಷಯ: ಡಾ| ವೈ.ಮಂಜುನಾಥ್, ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರು, ಮೈಸೂರು ಜಿಲ್ಲೆ ಇವರ ವಿರುದ್ಧ ದಾಖಲಾಗಿರುವ ಮೊಕದ್ದಮೆ ಅಭಿಯೋಜನಾ ಮಂಜೂರಾತಿ ನೀಡುವ ಕುರಿತು.

ಉಲ್ಲೇಖ: ತಮ್ಮ ಪತ್ರ ಸಂಖ್ಯೆ: ಲೋಕ್/ಐಎನ್‌ವಿ(ಜಿ)/ಎಂ-25/ಸಿಆರ್-11/2012
ಮೈಸೂರು ದಿನಾಂಕ:01.08.2013, 04.06.2014 2 08.12.2016

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಉಲ್ಲೇಖಿತ ಪತ್ರಗಳತ್ತ ಗಮನ ಸೆಳೆಯಲಾಗಿದೆ. ಡಾ| ವೈ.ಮಂಜುನಾಥ್, ಹಿಂದೆ ಮೈಸೂರಿನ ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರಾಗಿ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ದಿನಾಂಕ:27.11.2012 ರಂದು ವಲಯ-1 ಮತ್ತು ವಲಯ-4ರ ಕಚೇರಿಗಳ ದಾಳಿ ಮತ್ತು ಶೋಧನೆಗೆ ಸಂಬಂಧಿಸಿದ ಲೋಕಾಯುಕ್ತ ಮೊಕದ್ದಮೆ ಸಂಖ್ಯೆ: 11/2012ಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಸಲ್ಲಿಸಲಾಗಿರುವ ಅಂತಿಮ ತನಿಖಾ ವರದಿಯಲ್ಲಿ ಸದರಿ ಪ್ರಕರಣದಲ್ಲಿ ಅಧಿಕಾರಿಯವರು ಭ್ರಷ್ಟಾಚಾರ ನಿರೋಧ ಅಧಿನಿಯಮ 1988ರ ಸೆಕ್ಷನ್-7, 13(1)(ಡಿ) ಜೊತೆಗೆ ಓದಲಾದ 13(2)ರಡಿಯಲ್ಲಿ ಅಪರಾಧ ಎಸಗಿದ್ದು, ಈ ಅಪರಾಧಗಳಿಗಾಗಿ ಸಕ್ಷಮ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಅಭಿಯೋಜನೆಗೊಳಿಸಲು ಮಂಜೂರಾತಿ ನೀಡುವಂತೆ ಕೋರಲಾಗಿದೆ. ಮೊಕದ್ದಮೆ ಸಂಖ್ಯೆ:11/2012ಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಅಂತಿಮ ತನಿಖಾ ವರದಿ ಮತ್ತು ದಾಖಲೆಗಳನ್ನು ವಿವರವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿದೆ. ಅಭಿಯೋಜನೆ ಮಂಜೂರಾತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಿರ್ಣಯ ತೆಗೆದುಕೊಳ್ಳಲು ಪೂರಕವಾಗಿ ಈ ಕೆಳಕಂಡ ಅಂಶಗಳನ್ನು ಪರಿಗಣಿಸಲಾಗಿದೆ:-

(1) ಮೊಕದ್ದಮೆ ಸಂಖ್ಯೆ:12/2012ಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ದಿನಾಂಕ:27.11.2012ರಂದು ಮೈಸೂರಿನ ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರ ಕಚೇರಿಗೆ ದಾಳಿ ನಡೆಸಿ ಶೋಧನೆ ನಡೆಸಿದ್ದು ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರ ಬಳಿ ಯಾವುದೇ ಹಣ ದೊರೆತಿರುವುದಿಲ್ಲ. ಅವರ ಕಚೇರಿಯ ಅಬಕಾರಿ ರಕ್ಷಕರ ಬಳಿ ಕಚೇರಿಯಲ್ಲಿ ರೂ.6,160/- ಮತ್ತು ಮನೆ ಶೋಧನೆಯಲ್ಲಿ ರೂ.1,49,000/-ಗಳ ನಗದು ಪತ್ತೆಯಾಗಿರುತ್ತದೆ. ಈ ಸಂಬಂಧದಲ್ಲಿ ದಾಖಲಾಗಿದ್ದ ಮೊಕದ್ದಮೆ ಸಂಖ್ಯೆ:12/2012ಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಡಾ| ವೈ. ಮಂಜುನಾಥರವರು ಎಫ್.ಐ.ಆರ್ ಮತ್ತು ಇತರೆ ಎಲ್ಲಾ ನಡವಳಿಕೆಗಳನ್ನು ಪ್ರಶ್ನಿಸಿ ಮಾನ್ಯ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ಮುಂದೆ ಕ್ರಿಮಿನಲ್ ಪಿಟಿಷನ್ ಸಂಖ್ಯೆ :4680/2012 ನ್ನು ಸಲ್ಲಿಸಿದ್ದು ದಿನಾಂಕ:15.02.2016ರ ತೀರ್ಪಿನಲ್ಲಿ ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಮೊಕದ್ದಮೆ ಸಂಖ್ಯೆ:12/2012ರಲ್ಲಿ ಮೈಸೂರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಸಲ್ಲಿಸಿದ್ದ ಎಫ್.ಐ.ಆರ್ ನ್ನು ರದ್ದುಗೊಳಿಸಿದೆ. ಅಲ್ಲದೆ ಈ ಪ್ರಕರಣದ ದಾಳಿಯ ಸಂದರ್ಭದಲ್ಲಿ ಮೈಸೂರಿನ ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರಾದ ಡಾ| ವೈ. ಮಂಜುನಾಥ್ ರವರ ಬಳಿ ಈ ದೂರುಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಯಾವುದೇ ಹಣ ಅಥವಾ ದಾಖಲೆಗಳು ದೊರಕಿರುವುದಿಲ್ಲ.

(2) ಮೈಸೂರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ದಾಖಲಿಸಿರುವ ಮೊಕದ್ದಮೆ ಸಂಖ್ಯೆ: 11/2012ರಲ್ಲಿ ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರ ವ್ಯಾಪ್ತಿಗೆ ಬರುವ ವಲಯ-1 ಮತ್ತು ವಲಯ-4 ರ ಕಚೇರಿಗಳಲ್ಲಿ ದಾಳಿ ನಡೆಸಿ 2012-13ನೇ ಸಾಲಿನ ಅಬಕಾರಿ ಸನ್ನದುಗಳ ವಾರ್ಷಿಕ ನವೀಕರಣಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಲಂಚದ ಹಣ ಪಡೆಯುತ್ತಿದ್ದರೆಂಬ ಆರೋಪದ ಮೇಲೆ ವಲಯ ಕಚೇರಿ-4ರಲ್ಲಿ ರೂ.82,000/- ಮತ್ತು ವಲಯ ಕಚೇರಿ-1ರಲ್ಲಿ ರೂ.1,64,000/- ಗಳನ್ನು ಮತ್ತು ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ವಶಪಡಿಸಿಕೊಳ್ಳಲಾಗಿದೆ. ಈ ಪ್ರಕರಣದಲ್ಲಿ ದೂರುದಾರರಾದ ಶ್ರೀ ಚಂದ್ರಶೇಖರ್ ರವರು ಹಾಜರು ಪಡಿಸಿದ ಧ್ವನಿ ದಾಖಲೆ ಸಿ.ಡಿಯೊಂದಿಗೆ ಎಫ್.ಐ.ಆರ್ ದಾಖಲಿಸಿತ್ತು. ಈ ಲಂಚದ ಹಣವನ್ನು ಆರೋಪಿ-8 ಡಾ| ವೈ. ಮಂಜುನಾಥ್, ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರ ಮೌಖಿಕ ಸೂಚನೆಯಂತೆ ಸಂಗ್ರಹಿಸಲಾಗಿತ್ತೆಂದು ಆರೋಪಿಸಲಾಗಿದೆ. ಆದರೆ, ಡಾ| ವೈ. ಮಂಜುನಾಥ್, ರವರೊಂದಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಯಾವುದೇ ನೇರವಾದ ಆರೋಪ ಇರುವುದಿಲ್ಲ ಹಾಗೂ ಈ ಆರೋಪಕ್ಕೆ ಪೂರಕವಾಗಿ ಮೌಖಿಕ ಸಾಕ್ಷಿಗಳನ್ನು ಬಿಟ್ಟರೆ ಯಾವುದೇ ಪೂರಕ ಸಾಕ್ಷ್ಯಾಧಾರಗಳು ಕಂಡುಬರುತ್ತಿಲ್ಲ.

(3) ಈ ಪ್ರಕರಣದಲ್ಲಿ ಮೊಕದ್ದಮೆ ಸಂಖ್ಯೆ :11/2012ರಲ್ಲಿ ಒಟ್ಟು 8 ಆರೋಪಿಗಳಿದ್ದು ಡಾ| ವೈ. ಮಂಜುನಾಥ್, ರವರು 8ನೇ ಆರೋಪಿಯಾಗಿದ್ದಾರೆ. ಉಳಿದ 7 ಆರೋಪಿಗಳು ಮೌಖಿಕ ಹೇಳಿಕೆಯನ್ನಾಧರಿಸಿ ಆರೋಪಿ ನೌಕರರ ಸೂಚನೆಯಂತೆ ಲಂಚದ ಹಣವನ್ನು ಆದರೆ, 7 ಆರೋಪಿ ನೌಕರರ ಸಂಗ್ರಹಿಸಲಾಗಿತ್ತೆಂಬ ತೀರ್ಮಾನಕ್ಕೆ ಬರಲಾಗಿದೆ. ಸಾಕ್ಷಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಲ್ಲಿ 4 ಜನ ಸಾಕ್ಷಿಗಳು ಘಟನೆ ನಡೆದ ಸಂದರ್ಭದಲ್ಲಿ ಕಚೇರಿಯಲ್ಲಿ ಇರಲಿಲ್ಲವೆಂಬುದು ಸ್ಪಷ್ಟವಾಗುತ್ತದೆ. ಅವರ ಹೇಳಿಕೆಗಳು ಸ್ಪಷ್ಟ ಮತ್ತು ನಿರ್ದಿಷ್ಟವಾಗಿರುವುದಿಲ್ಲ. ಇತರರು ಕಂಡಂತೆ ಮತ್ತು ಹೇಳಿದಂತೆ ಅವರ ಹೇಳಿಕೆಗಳು ಪ್ರತಿಬಿಂಬಿತವಾಗಿದೆ. ಇತರ ಸಾಕ್ಷಿಗಳು ಸಹ ಆರೋಪಿ-8 ಲಂಚದ ಹಣ ಸಂಗ್ರಹಿಸಲು ನಿರ್ದಿಷ್ಟ ಸೂಚನೆ ನೀಡಿದ್ದರು ಎಂಬುದನ್ನು ಸಾಕ್ಷಿಗಳಲ್ಲಿ ಸ್ಪಷ್ಟವಾಗಿ ನುಡಿದಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಈ ಮೌಖಿಕ ಸಾಕ್ಷಿಗಳನ್ನು ಆಧರಿಸಿ ಅಭಿಯೋಜನೆ ಮಂಜೂರಾತಿಗೆ ಪರಿಗಣಿಸುವುದು ಸೂಕ್ತವಾಗಲಾರದು. ಅಲ್ಲದೆ, ಮೌಖಿಕ ಸಾಕ್ಷಿಗಳನ್ನು ನಿರ್ಣಾಯಕ ಸಾಕ್ಷಿಗಳೆಂದು ಪರಿಗಣಿಸಲು ಬರುವುದಿಲ್ಲ.

(4) ಆರೋಪಿ ನೌಕರರ ವ್ಯಾಪ್ತಿಯ ವಲಯ-1 ಮತ್ತು ವಲಯ-4 ಕಚೇರಿಗಳಲ್ಲಿ ಆರೋಪಿ-1 ರಿಂದ 7 ರವರೆಗಿನ ನೌಕರರುಗಳು ಅಸ್ಪಷ್ಟವಾಗಿ ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರ ಮೌಖಿಕ ಸೂಚನೆಯಂತೆ ಸನ್ನದುಗಳ ನವೀಕರಣ ಸಂಬಂಧದಲ್ಲಿ ಲಂಚದ ಹಣ ಸಂಗ್ರಹಿಸಲಾಗುತ್ತಿತ್ತು ಎಂದು ತಿಳಿಸಿರುತ್ತಾರೆ. ಆದರೆ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ(ನಡತೆ) ನಿಯಮಗಳು 1966 ರ ನಿಯಮ 3 ರನ್ವಯ ಪ್ರತಿಯೊಬ್ಬ ಸರ್ಕಾರಿ ನೌಕರರು ಸಂಪೂರ್ಣ ನೀತಿ ನಿಷ್ಠೆಯನ್ನು ಹೊಂದಿರತಕ್ಕದ್ದು ಮತ್ತು ಕರ್ತವ್ಯ ಶ್ರದ್ಧೆಯನ್ನು ಹೊಂದಿರತಕ್ಕದ್ದು ಎಂದು ಸ್ಪಷ್ಟಪಡಿಸಲಾಗಿದೆ. ಅಲ್ಲದೆ ತಮ್ಮ ಹಿರಿಯ ನೌಕರರುಗಳು ಯಾವುದೇ ಕಾನೂನುಬಾಹಿರ ಸೂಚನೆಗಳನ್ನು ನೀಡಿದಲ್ಲಿ ಅದರಂತೆ ಕ್ರಮ ಜರುಗಿಸುವ ಅಗತ್ಯತೆ ಇರುವುದಿಲ್ಲ. ಮುಂದುವರಿದು ಹಿರಿಯ ಅಧಿಕಾರಿಗಳು ಯಾವುದೇ ಮೌಖಿಕ

ಸೂಚನೆ ನೀಡಿದಲ್ಲಿ ಅದರಂತೆ ಕ್ರಮ ವಹಿಸಿದಲ್ಲಿ ಆದಷ್ಟುಬೇಗ ಅದಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಲಿಖಿತವಾಗಿ ಸ್ಥಿರೀಕರಣ ಪಡೆಯುವುದು ನಿಯಮಗಳನ್ವಯ ಅಗತ್ಯವಾಗಿದೆ. ಆದ್ದರಿಂದ, ಈ ಪ್ರಕರಣದಲ್ಲಿ ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರು ಮೌಖಿಕವಾಗಿ ಸೂಚನೆ ಕಾನೂನುಬಾಹಿರವಾಗಿದ್ದಲ್ಲಿ ಅದರಂತೆ ಕ್ರಮ ಜರುಗಿಸಿದಲ್ಲಿ ವಲಯ-1 ಮತ್ತು ವಲಯ-4 ಕಚೇರಿಯ ಸಿಬ್ಬಂದಿ ಅಂತಹ ಕ್ರಮವನ್ನು ತಮಗೆ ಉಂಟಾಗಬಹುದಾದ ತೊಂದರೆ ಅರಿವಿದ್ದರೂ ಹಾಗೂ ತಮ್ಮ ಜವಾಬ್ದಾರಿಯ (their own risk and responsibility) ಮೇಲೆ ಕೈಗೊಂಡಿರುತ್ತಾರೆ.

(5) ಈ ಪ್ರಕರಣದಲ್ಲಿ ಪ್ರಮುಖವಾದ ಸಾಕ್ಷ್ಯವೆಂದು ಪರಿಗಣಿಸಲಾಗಿರುವ ಸನ್ನದುದಾರರಾದ ಶ್ರೀ ಚಂದ್ರಶೇಖರ್‌ರವರು ಅಬಕಾರಿ ಆಯುಕ್ತರು ಲಂಚ ಬೇಡಿಕೆ ಸಂಭಾಷಣೆಯನ್ನು ದಿನಾಂಕ:17.06.2012 ಮತ್ತು 19.06.2012 ರಂದು ಮೊಬೈಲ್ ನಲ್ಲಿ ರೆಕಾರ್ಡ್ ಮಾಡಿಕೊಂಡಿದ್ದು ನಂತರ ಅದನ್ನು ಸಿ.ಡಿ. ಗೆ ಕಾಪಿ ಮಾಡಿ ತನಿಖಾಧಿಕಾರಿಗಳಿಗೆ ಅಬಕಾರಿ ವಲಯ ಕಚೇರಿಗಳ ದಾಳಿ ಸಂದರ್ಭದಲ್ಲಿ ಹಾಜರುಪಡಿಸಿರುತ್ತಾರೆ. ಈ ಸಿ.ಡಿ ಸಂಭಾಷಣೆಗಳನ್ನು ನಂತರದಲ್ಲಿ ವಿಧಿವಿಜ್ಞಾನ ಪ್ರಯೋಗಾಲಯದಿಂದ ಪರೀಕ್ಷೆಗೊಳಪಡಿಸಿ ವರದಿಯನ್ನು ಪಡೆಯಲಾಗಿರುತ್ತದೆ. ಈ ವರದಿಯನ್ವಯ ಸಿ.ಡಿ.ಯಲ್ಲಿರುವ ಧ್ವನಿಗಳು ಡಾ| ವೈ.ಮಂಜುನಾಥ್ ಮತ್ತು ಸನ್ನದುದಾರರಾದ ಶ್ರೀ ಚಂದ್ರಶೇಖರ್ ಮತ್ತು ಶ್ರೀ ಗುರುಸ್ವಾಮಿಯವರ ಧ್ವನಿಗಳಿಗೆ ಹೋಲಿಕೆಯಾಗುತ್ತವೆ ಎಂಬ ವರದಿಯನ್ನು ನೀಡಲಾಗಿರುತ್ತದೆ. ಆದರೆ, ಸಿ.ಡಿ.ಯು ನಿಜವಾದುದೇ (genuineness) ಎಂಬ ಬಗ್ಗೆ ಯಾವುದೇ ದೃಢೀಕರಣ ನೀಡಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಈ ಎವಿಡೆನ್ಸ್‌ನ್ನು ನಿರ್ಣಾಯಕ ಸಾಕ್ಷಿಯೆಂದು ಪರಿಗಣಿಸುವುದು ಕಷ್ಟವಾಗುತ್ತದೆ.

(6) ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಕ್ರಿಮಿನಲ್ ಪಿಟಿಷನ್ ಸಂಖ್ಯೆ:3202/2017ರಲ್ಲಿ ನೀಡಿರುವ ತೀರ್ಪಿನನ್ವಯ ಎಲೆಕ್ಟ್ರಾನಿಕ್ ಎವಿಡೆನ್ಸ್‌ನ್ನು Indian Evidence Act 1872 ನ ಸೆಕ್ಷನ್ 65(ಬಿ)(2) ರಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿರುವ ಷರತ್ತುಗಳನ್ನು ಪೂರೈಸದಿರುವುದರಿಂದ ಈ ಎಲೆಕ್ಟ್ರಾನಿಕ್ ಎವಿಡೆನ್ಸ್‌ನ್ನು ಸಾಕ್ಷ್ಯವೆಂದು ಪರಿಗಣಿಸಲು ಸಾಧ್ಯವಾಗುವುದಿಲ್ಲ. ಈ ಪ್ರಕರಣದಲ್ಲಿ ಸಂಭಾಷಣೆಯನ್ನು ಮೊದಲು ಮೊಬೈಲ್ ಫೋನ್‌ನಲ್ಲಿ ದಾಖಲಿಸಲಾಗಿತ್ತು ನಂತರ ಸನ್ನದುದಾರರ ಅದನ್ನು ಸಿ.ಡಿ. ಆಗಿ ಪರಿವರ್ತಿಸಿ ದಾಳಿ ಸಂದರ್ಭದಲ್ಲಿ ನೀಡಿರುವುದು ಕಂಡುಬರುತ್ತದೆ. ನಂತರದಲ್ಲಿ ಮೊಬೈಲ್ ನಲ್ಲಿ ಸಂಭಾಷಣೆಗಾಗಿ ಲಭ್ಯವಿಲ್ಲದೆ ಇದ್ದುದರಿಂದ ಸಿ.ಡಿ. ಯಲ್ಲಿರುವ ಸಂಭಾಷಣೆ ಮೂಲ ಸಂಭಾಷಣೆಯೇ ಅಥವಾ ಅದನ್ನು ಯಾವುದೇ ರೀತಿಯಲ್ಲಿ ಸಂಕಲನ ಮಾಡಲಾಗಿತ್ತೇ ಎಂಬ ಬಗ್ಗೆ ಸ್ಪಷ್ಟತೆ ಇರುವುದಿಲ್ಲ. ಈ ಆಂಶಗಳನ್ನು ತನಿಖಾಧಿಕಾರಿಗಳು ಪರಿಗಣಿಸಿರುವುದು ಕಂಡುಬರುವುದಿಲ್ಲ. ವಿಧಿ ವಿಜ್ಞಾನ ಪ್ರಯೋಗಾಲಯದಲ್ಲಿ ಕೇವಲ ಅಧಿಕಾರಿಯವರ ಧ್ವನಿ ಹೋಲಿಕೆಯ ಆಂಶವನ್ನು ಅಷ್ಟೇ ಪರಿಗಣಿಸಲಾಗಿದ್ದು ಉಳಿದ ಆಂಶಗಳ ಬಗ್ಗೆ ಯಾವುದೇ ವರದಿ ನೀಡಿರುವುದು ಕಂಡುಬರುವುದಿಲ್ಲ. ಅಲ್ಲದೇ ಈ ಹಂತದಲ್ಲಿ ತನಿಖಾಧಿಕಾರಿಯವರು ಯಾವುದೇ ಪ್ರಮಾಣ ಪತ್ರ ನೀಡಲು ಅವಕಾಶವಿರುವುದಿಲ್ಲ.

ಮೇಲ್ಕಂಡ ವಿಶ್ಲೇಷಣೆಯಿಂದ ವ್ಯಕ್ತವಾಗುವಂತೆ, ಈ ಪ್ರಕರಣದಲ್ಲಿ ಡಾ| ವೈ. ಮಂಜುನಾಥ್, ಹಿಂದಿನ ಮೈಸೂರು ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರು ಇವರ ವಿರುದ್ಧ ಯಾವುದೇ ನೇರ ಆರೋಪಗಳು ಇಲ್ಲದಿರುವುದು ಸ್ಪಷ್ಟವಾಗುತ್ತದೆ. ವಲಯ-1 ಮತ್ತು ವಲಯ-4 ರಲ್ಲಿನ ನೌಕರರುಗಳು ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರ ಮೌಖಿಕ ಸೂಚನೆಯ ಮೇರೆಗೆ ಯಾವುದೇ ಕ್ರಮ ಜರುಗಿಸಿದ್ದಲ್ಲಿ ಅದು ಕಾನೂನುಬಾಹಿರವಾಗಿದ್ದು ಆ ನೌಕರರುಗಳು ತಮ್ಮ ಜವಾಬ್ದಾರಿಯ ಮೇಲೆ ತೆಗೆದುಕೊಂಡ ಕ್ರಮವಾಗಿರುತ್ತದೆ. ಅಲ್ಲದೇ, ಈ ಪ್ರಕರಣದಲ್ಲಿನ ಆರೋಪಿ-1 ರಿಂದ 8 ಇವರ ಮೌಖಿಕ ಹೇಳಿಕೆಗಳು ಆರೋಪಿ-8 ರವರು ಮೌಖಿಕ ಸೂಚನೆ ನೀಡಿರುವ ಬಗ್ಗೆ ನಿರ್ದಿಷ್ಟವಾಗಿ ಹೇಳಿರುವುದು ಕಂಡುಬರುವುದಿಲ್ಲ. ಆರೋಪಿ-8 ಇವರ ಬಳಿ ಯಾವುದೇ ಹಣ ಅಥವಾ ದಾಖಲೆಗಳು ದೊರಕಿಲ್ಲವಾದ್ದರಿಂದ ಅವರ ವಿರುದ್ಧ ಯಾವುದೇ ಪ್ರಾಥಮಿಕ ಸಾಕ್ಷ್ಯಾಧಾರಗಳು ಲಭ್ಯವಿರುವುದಿಲ್ಲ. ಅಲ್ಲದೆ, ಸಿ.ಡಿ. ಯನ್ನು ಸಾಕ್ಷ್ಯಾಧಾರವೆಂದು ಪರಿಗಣಿಸುವ ವಿಷಯದಲ್ಲಿ ಮೇಲೆ ಉಲ್ಲೇಖಿಸಿರುವ ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ತೀರ್ಪಿನನ್ವಯ ಎಲೆಕ್ಟ್ರಾನಿಕ್ ಎವಿಡೆನ್ಸ್‌ನನ್ನು Indian Evidence Act 1872 ನ ಸೆಕ್ಷನ್ 65(ಬಿ)(2) ರಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿರುವ ಷರತ್ತುಗಳನ್ನು ಪೂರೈಸದಿರುವುದರಿಂದ ಈ ಎಲೆಕ್ಟ್ರಾನಿಕ್ ಎವಿಡೆನ್ಸ್ ನ್ನು ಸಾಕ್ಷ್ಯವೆಂದು ಪರಿಗಣಿಸಲು ಸಾಧ್ಯವಾಗುವುದಿಲ್ಲ.

ಆದ್ದರಿಂದ ವಲಯ-1 ಮತ್ತು ವಲಯ-4 ಕಚೇರಿಯಲ್ಲಿ ನಡೆದಿರುವ ಲೋಕಾಯುಕ್ತ ದಾಳಿ ಸಂದರ್ಭದಲ್ಲಿ ದೊರಕಿರುವ ಹಣ ಮತ್ತು ನಡೆದಿರುವ ಘಟನೆಗಳಿಗೆ ಆರೋಪಿ-8ನ್ನು ನೇರವಾಗಿ ಹೊಣೆಗಾರರನ್ನಾಗಿ ಮಾಡಲು ಸಾಧ್ಯವಾಗುವುದಿಲ್ಲ. ತನಿಖಾ ವರದಿಯಲ್ಲಿ ತಿಳಿಸಿರುವಂತೆ ಆರೋಪಿ-8 ಈ ಪ್ರಕರಣದಲ್ಲಿ ಭ್ರಷ್ಟಾಚಾರ ನಿರೋಧ ಅಧಿನಿಯಮ 1988 ರ ಸೆಕ್ಷನ್ 7, 13(1)(ಡಿ) ಜೊತೆಗೆ ಓದಲಾದ 13(2)ರಡಿಯಲ್ಲಿ ಅಪರಾಧ ಎಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುವುದಿಲ್ಲ. ಆದರೆ, ವಲಯ-1 ಮತ್ತು ವಲಯ-4 ಕಚೇರಿಗಳು ಇವರ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಗೆ ಬರುವುದರಿಂದ ಸ್ಪಷ್ಟವಾಗಿ ಮೇಲ್ವಿಚಾರಣಾ ವೈಫಲ್ಯತೆ ಕಂಡುಬರುತ್ತದೆ ಮತ್ತು ಇದು ದುರ್ನಡತೆಯ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರಬಹುದು. ಆದರೆ, ಈ ಆರೋಪವು ಯಾವುದೇ ಅಪರಾಧಿಕ ಸ್ವರೂಪ ಹೊಂದಿರುವುದು ಕಂಡುಬರುವುದಿಲ್ಲ. ದುರ್ನಡತೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಈಗಾಗಲೇ ಡಾ| ವೈ. ಮಂಜುನಾಥ್ ಸೇರಿದಂತೆ ಇತರ 7 ನೌಕರರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಕೆ.ಸಿ.ಎಸ್(ಸಿ.ಸಿ.ಎ) ನಿಯಮಗಳು 1957ರ ನಿಯಮ 14(ಎ)ರಡಿಯಲ್ಲಿ ಮಾನ್ಯ ಲೋಕಾಯುಕ್ತಕ್ಕೆ ವಹಿಸಲಾಗಿದ್ದು ಅದರಲ್ಲಿ ಹೊರಬರಬಹುದಾದ ನಿರ್ಣಯವನ್ನು ನಿರೀಕ್ಷಿಸಬಹುದಾಗಿದೆ.

ಮೇಲ್ಕಂಡ ವಿಶ್ಲೇಷಣೆಯ ಹಿನ್ನೆಲೆಯಲ್ಲಿ, ಡಾ| ವೈ. ಮಂಜುನಾಥ್, ಹಿಂದಿನ ಮೈಸೂರು ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರು, ಇವರನ್ನು ಭ್ರಷ್ಟಾಚಾರ ನಿರೋಧ ಅಧಿನಿಯಮ 1988 ರ ಸೆಕ್ಷನ್-7, 13(1)(ಡಿ) ಜೊತೆಗೆ ಓದಲಾದ 13(2) ರಡಿಯಲ್ಲಿ ಅಪರಾಧ ವೆಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತಿಲ್ಲವಾದ್ದರಿಂದ ಸದರಿ ಅಧಿನಿಯಮದ 19(1)(ಬಿ) ರಡಿಯಲ್ಲಿ ಸಕ್ಷಮ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಅಭಿಯೋಜನೆಗೊಳಿಸಲು

ಮಂಜೂರಾತಿಗೆ ಕೋರಿರುವ ಪ್ರಸ್ತಾವನೆಯನ್ನು ತಿರಸ್ಕರಿಸಲಾಗಿದೆಂದು ತಮಗೆ ತಿಳಿಸಲು
ನಿರ್ದೇಶಿತನಾಗಿದ್ದೇನೆ."

16. Thus, respondent No.1-sanctioning authority has given 6 reasons declining to grant the sanction. The said 6 reasoning extracted herein above would indicate that the material furnished by the petitioner-Lokayukta in the nature of seizure mahazar, witness statements, CD containing conversation, statement of the accused persons, all have been taken into consideration and has thus come to the conclusion of prosecution not making out a *prima facie* case to grant of sanctions.
17. Another aspect of the matter which was brought to the notice of this Court by Senior Counsel appearing for respondent No.2 and about which the petitioner has not whispered anything is, subsequent to the impugned order dated 23.12.2017 at Annexure-G, the petitioner-Lokayukta seemed to have made an application to the respondent No.1-sanctioning authority for reconsideration of its order vide communication dated 19.07.2019, which is also almost 2 years subsequent to the said order passed on 23.12.2017. The said requests seem to have

been rejected by the respondent No.1-sanctioning authority vide order dated 11.08.2020. The said order dated 11.08.2020 reads as under;

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ಸಂಖ್ಯೆ:ಆಇ 109 ಇಪಿಎಸ್ 2012 ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಸಚಿವಾಲಯ,
ವಿಧಾನ ಸೌಧ,
ಬೆಂಗಳೂರು, ದಿನಾಂಕ:11-08-2020

ಇವರಿಂದ:

ಸರ್ಕಾರದ ಅಪರ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿ,
ಆರ್ಥಿಕ ಇಲಾಖೆ,

ಇವರಿಗೆ:

ಅಪರ ಪೊಲೀಸ್ ಮಹಾನಿರ್ದೇಶಕರು,
ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ,
ಬೆಂಗಳೂರು.

ಮಾನ್ಯರೇ,

ವಿಷಯ: ಶ್ರೀ ಡಾ| ವೈ. ಮಂಜುನಾಥ್, ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರು, ಮೈಸೂರು,
ಇವರ ವಿರುದ್ಧ ಮೈಸೂರು ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಯಲ್ಲಿ ದಾಖಲಾಗಿರುವ ದಾಳಿ
ಪ್ರಕರಣದಲ್ಲಿ ಅಭಿಯೋಜನಾ ಮಂಜೂರಾತಿ ನೀಡುವ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ: 1. ಸರ್ಕಾರದ ಸಮಸಂಖ್ಯೆಯ ದಿನಾಂಕ:23-12-2017.

2. ಅಪರ ಪೊಲೀಸ್ ಮಹಾ ನಿರ್ದೇಶಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಇವರ
ಪತ್ರ ಸಂಖ್ಯೆ: ಲೋಕ್/ಐಎನ್‌ವಿ(ಜಿ)/ಎಂ-25/ಸಿಆರ್-11/2012, ಮೈಸೂರು
ದಿನಾಂಕ: 01.08.2013, 04.06.2014, 08.12.2016 ಮತ್ತು 19-07-
2019.

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಉಲ್ಲೇಖಿತ ಪತ್ರಗಳತ್ತ ಗಮನ
ಸೆಳೆಯಲಾಗಿದೆ. ಡಾ| ವೈ. ಮಂಜುನಾಥ್ ಇವರು ಮೈಸೂರು ಜಿಲ್ಲೆಯಲ್ಲಿ ಅಬಕಾರಿ
ಉಪ ಆಯುಕ್ತರಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ದಿನಾಂಕ:27.11.2012
ರಂದು ವಲಯ-1 ಮತ್ತು ವಲಯ-4 ರ ಕಛೇರಿಗಳ ದಾಳಿ ಮತ್ತು ಶೋಧನೆಗೆ
ಸಂಬಂಧಿಸಿದ ಲೋಕಾಯುಕ್ತ ಮೊಕದ್ದಮೆ ಸಂಖ್ಯೆ 11/2012 ಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ
ಸಲ್ಲಿಸಲಾಗಿರುವ ಅಂತಿಮ ತನಿಖಾ ವರದಿಯಲ್ಲಿ ಸದರಿ ಪ್ರಕರಣದಲ್ಲಿ
ಅಧಿಕಾರಿಯವರು ಭ್ರಷ್ಟಾಚಾರ ನಿರೋಧ ಅಧಿನಿಯಮ 1988 ರ ಸೆಕ್ಷನ್-7,

13(1)(ಡಿ) ಜೊತೆಗೆ ಓದಲಾದ 13(2) ರಡಿಯಲ್ಲಿ ಅಪರಾಧ ಎಸಗಿದ್ದು, ಈ ಅಪರಾಧಗಳಿಗಾಗಿ ಸಕ್ಷಮ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಅಭಿಯೋಜನೆಗೊಳಿಸಲು ಮಂಜೂರಾತಿ ನೀಡುವಂತೆ ಉಲ್ಲೇಖಿತ (2)ರ ಪತ್ರಗಳಲ್ಲಿ ಕೋರಲಾದ ಮೇರೆಗೆ, ಮೊಕದ್ದಮೆ ಸಂಖ್ಯೆ:11/2012ಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಅಂತಿಮ ತನಿಖಾ ವರದಿ ಮತ್ತು ದಾಖಲೆಗಳನ್ನು ವಿವರವಾಗಿ ಪರಿಶೀಲಿಸಿ ಪೂರಕ ಅಂಶಗಳೊಂದಿಗೆ ಉಲ್ಲೇಖಿತ (1)ರ ದಿನಾಂಕ:23.12.2017ರ ಪತ್ರದಲ್ಲಿ ಡಾ| ವೈ. ಮಂಜುನಾಥ್, ಹಿಂದಿನ ಮೈಸೂರು ಜಿಲ್ಲೆಯ ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರು ಇವರನ್ನು ಭ್ರಷ್ಟಾಚಾರ ನಿರೋಧ ಅಧಿನಿಯಮ 1988 ರ ಸೆಕ್ಷನ್-7, 13(1) (ಡಿ) ಜೊತೆಗೆ ಓದಲಾದ 13(2) ರಡಿಯಲ್ಲಿ ಅಪರಾಧ ಎಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಾರದ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಸದರಿ ಅಧಿನಿಯಮದ 19(1)(ಬಿ) ರಡಿಯಲ್ಲಿ ಸಕ್ಷಮ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಅಭಿಯೋಜನೆಗೊಳಿಸಲು ಕೋರಿದ್ದ ಮಂಜೂರಾತಿ ಪ್ರಸ್ತಾವನೆಯನ್ನು ತಿರಸ್ಕರಿಸಲಾಗಿರುತ್ತದೆ.

ಉಲ್ಲೇಖ (2) ರ ದಿನಾಂಕ:19.07.2019ರ ಪತ್ರದಲ್ಲಿ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ಇವರು ಡಾ| ವೈ.ಮಂಜುನಾಥ್, ಹಿಂದಿನ ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರು, ಮೈಸೂರು ಜಿಲ್ಲೆ ಇವರ ತಿರಸ್ಕೃತ ಅಭಿಯೋಜನಾ ಮಂಜೂರಾತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ದಿನಾಂಕ: 02.07.2019 ತನಿಖಾಧಿಕಾರಿಯವರ ವರದಿ ಹಾಗೂ ಅಡಕಗಳನ್ನು ಪರಿಶೀಲಿಸಿ ಆಪಾದಿತರ ವಿರುದ್ಧ ಸಕ್ಷಮ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಅಭಿಯೋಜನಾ ಮಂಜೂರಾತಿಯನ್ನು ಶೀಘ್ರವಾಗಿ ಹೊರಡಿಸುವಂತೆ ಮತ್ತೊಮ್ಮೆ ಕೋರಿರುವುದನ್ನು ಪರಿಶೀಲಿಸಲಾಯಿತು. ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ ತೀರ್ಪುಗಳನ್ವಯ ಸದರಿ ಪ್ರಕರಣದಲ್ಲಿ ಸರ್ಕಾರದ ತೀರ್ಮಾನವನ್ನು ಪುನರ್ ಪರಿಶೀಲಿಸಲು ಯಾವುದೇ ಹೊಸ ಅಥವಾ ಹೆಚ್ಚುವರಿ ದಾಖಲೆಗಳನ್ನು ಪ್ರಸ್ತಾಪಿಸದ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಡಾ| ವೈ. ಮಂಜುನಾಥ್, ಹಿಂದಿನ ಮೈಸೂರು ಜಿಲ್ಲೆ ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರು, ಇವರ ವಿರುದ್ಧ ಸಕ್ಷಮ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಕ್ರಿಮಿನಲ್ ಮೊಕದ್ದಮೆ ಹೂಡಲು ಅಭಿಯೋಜನಾ ಮಂಜೂರಾತಿ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಈ ಹಿಂದೆ ತಿರಸ್ಕರಿಸಿದ ಅಂಶವನ್ನು ಪುನರುಚ್ಚರಿಸಿದೆ ಎಂದು ತಮಗೆ ತಿಳಿಸಲು ನಿರ್ದೇಶಿತವಾಗಿದ್ದೇನೆ."

Thus, there is no challenge to the said order by the petitioner.

18. As regard to the delay, paragraph 6 of the writ petition indicating delay in filing the writ petition, which read as under;

"6. It is submitted that there is some delay in filing the writ due to consultations made within the

office of the petitioner to adopt legal course and COVID-19 situation. However delay if any is not intentional or deliberate. It is submitted that the Respondent No 2 cannot derive any right to resist the petition on the ground of delay against crime of this nature".

19. Except this general statement nothing is whispered in the petition. Sufficient cause has to be as provided under Section 5 of the Limitation Act, 1963 and cannot be allowed to be assumed and presumed in the absence of any satisfactory material thereon.
20. It is not that the petitioner-Lokayukta was not aware of the proceedings initiated by respondent No.2 as well as the accused Nos.1 to 7 parallelly by filing criminal petitions seeking quash of cases in Crime Nos.11/2012 and 12/2012 and petitioner- Lokayukta has been contesting, opposing the said matters right upto Supreme Court. It cannot therefore be accepted that there was consultation being done in their Office to adopt the legal course for 4 long years. In any event, the impugned order dated 23.12.2017 extracted hereinabove do not seem to be one without application of mind. The same refers to quashing of FIR, witness statement, seizure mahazar,

acceptability of the voice recording CD, which are the materials being relied upon by the petitioner.

21. The other contention urged by the counsel of the petitioner for non-registration of the FIR was purported sufficiency of entry in the case diary.
22. Heavy reliance is placed on the judgment of ***Lalitha Kumari*** (supra) for dispensing the requirement of registration of the FIR by counsel for the petitioner. Appropriate to refer to paragraph 120 in the case of ***Lalitha Kumari***, wherein the Apex Court has laid down the circumstances under which registration of FIR initially is dispensed or deferred. Paragraph 120 of the said judgment read as under;

"Conclusion/Directions

120. In view of the aforesaid discussion, we hold:

120.1. The registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.

120.2. If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.

120.3. If the inquiry discloses the commission of a cognizable offence, the FIR must be registered. In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must be supplied to the first informant forthwith and not later than one

week. It must disclose reasons in brief for closing the complaint and not proceeding further.

120.4. The police officer cannot avoid his duty of registering offence if cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence.

120.5. The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence.

120.6. As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are as under:

(a) Matrimonial disputes/family disputes

(b) Commercial offences

(c) Medical negligence cases

(d) Corruption cases

(e) Cases where there is abnormal delay/laches in initiating criminal prosecution, for example, over 3 months' delay in reporting the matter without satisfactorily explaining the reasons for delay.

The aforesaid are only illustrations and not exhaustive of all conditions which may warrant preliminary inquiry.

120.7 [Ed.: This correction is based on para 120.7 as corrected vide order in *Lalita Kumari v. State of U.P.*, (2023) 9 SCC 695.] . While ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry should be made time-bound and in any case it should not exceed fifteen days generally and in exceptional cases, by giving adequate reasons, six weeks' time is provided. The fact of such delay and the causes of it must be reflected in the General Diary entry.

120.8. Since the General Diary/Station Diary/Daily Diary is the record of all information received in a police station, we direct that all information relating to cognizable offences, whether resulting in registration of FIR or leading to an inquiry, must be mandatorily and meticulously reflected in the said diary and the decision to conduct a preliminary inquiry must also be reflected, as mentioned above."

23. The said principles cannot be applied in the instant case, inasmuch as, the petitioner-Lokayukta has not treated

any circumstances which had prevented/detained them from registering the FIR before proceeding to conduct the raid.

24. In the case of **Dr. M. K. PUSHPITHA V. STATE OF KARNATAKA**, this Court in paragraph Nos.12 and 15 has held that seizure without registering an FIR is impermissible. The said paragraphs read as under;

"12. On perusal of the Station House Diary where there is an entry regarding credible information received by the Police that vaccinations were given to the public by taking money but even in the Station House Diary, it was not mentioned that he had no time to register the FIR and the nature of the offence committed, but it says, only he has deputed a Police constable for bringing panchas, which means he has proceeded to the spot with panchas for seizure and later searched and seized the articles along with cash and apprehended accused Nos.1 and 2, which is nothing but action taken in pursuance of the information received amounting to investigation commenced without registering the FIR. First of all, even if the Police registers the FIR for the offence punishable under Disaster Management Act, without permission of the Court, he cannot investigate the matter as per Section 155(2) of Cr.P.C. which is a non-cognizable offence. Here in this case, no FIR has been registered, but action has been taken which is a clear violation of the provisions of Section 154 of Cr.P.C. and also the guidelines issued by the Hon'ble Supreme Court in the case of Lalitha Kumari stated supra. It appears that the Police willfully added Sections 380, 403, 409 and 420 of IPC which are all cognizable offences. Therefore, without registering the FIR, taking any action, seizing the articles amounts to investigation prior to registering the FIR, which is violation of the provisions of Section 154 of Cr.P.C. and against the guidelines issued in the case Lalitha Kumari stated supra. The authority of the Police to search and seize assumes only after registering the FIR, otherwise the Police have no authority to search and seize or

arrest any person which is nothing but violation of fundamental rights guaranteed under Article 21 of the Constitution of India. The Hon'ble Supreme Court in the case of Justice K.S.Puttaswamy (Retd.) stated supra has held that if at all the petitioner is found to have committed any offence under Disaster Management Act, the Police, after making an enquiry and even after seizing the same could have submitted a report to the appropriate authority for taking action as per Rule 3 of the Disaster Management (Notice of Alleged Offence) Rules 2007 (for short 'Rules'). For the sake of convenience, Section 3 of the Rules is extracted as under;

"3. Notice of alleged offence and intention to make a complaint. - A notice under clause (b) of section 60 of the Act by a person, of the alleged offence and his intention to make a complaint shall be delivered to, or left at, the office of one of the following-

(a) in the case of the Central Government, except where the complaint relates to a railway, the Secretary incharge of the concerned Ministry or the Department in that Government;

(b) in the case of the Central Government where the complaint relates to a railway, the General Manager of that railway;

(c) in the case of State Government, the Secretary incharge of the concerned Department in that Government;

(d) in the case of the National Authority, the Secretary or, if there is no Secretary, the Additional Secretary, of the National Authority;

(e) in the case of a State Authority, the Chief Executive Officer of the State Authority;

(f) in the case of a District Authority, the Chief Executive Officer of the State Authority."

15. On the other hand, the act of the Police arresting the petitioner, seizing the articles prior to registering of the FIR is illegal and search and seizure in non-cognizable offences amounts to violation of right of privacy and the liberty guaranteed under Article 21 of Constitution of India. Therefore, registering the FIR after conducting the investigation is bad in law in view of the principles laid down by the Hon'ble Supreme Court in the case of Lalitha Kumari stated supra. Therefore, the Police shall not be allowed to conduct

investigation, which amounts to abuse of process of law. Hence, the FIR registered against the petitioner requires to be quashed".

25. The reliance placed on by the counsel for the petitioner on to the judgment of the Apex Court in the case of **Rajendra Singh** (supra) to contend that accused Nos. 1 to 7 could be re-arraigned as accused in exercise of the power under Section 319 of Cr.PC., as rightly pointed by learned Senior counsel for the respondent No.2, is not applicable to the instant case. The facts involved in the said case was with respect to an offence committed under provisions of Section 302 of IPC. The case at hand is in respect of offence falling under provisions of Sections 7 and 13(1)(d) r/w Section 13(2) of the PC Act, 1988.
26. Prosecution, cannot proceed with or permitted to be proceeded with on a mere possibility or chance of discovering the facts during the trial. In the case of this nature, prosecution has to be clear in its mind as to the persons who would be examined and responsible to prove the principle fact of demand and acceptance. Purpose of the trial is also to place on record entire prosecution material before undertaking the exercise of trial with prior

furnishing of all the prosecution records/material to the accused such that accused is in a position to defend his cause. If the argument of counsel for the petitioner - Lokayukta is accepted the same would defeat the very cardinal principles of criminal jurisprudence.

27. Since the allegation against accused Nos. 1 to 7 of they receiving the bribe amount, no longer available in view of quashment of case against them, even assuming during the trial, the prosecution proposes to put forth the said theory, accused Nos. 1 to 7 cannot be re-arraigned as accused as sought to be done by relying upon the judgment in the case of **Rajendra Singh** (supra).
28. The very purpose of seeking sanction under Section 19(1) of the PC Act, 1988 is to prevent frivolous and vexatious prosecution. Even if the petitioner-Lokayukta assumes that the respondent No.2 was indeed involved in the matter, there is no material produced regarding he having demanded or money being received for and on his behalf. This aspect of the matter has been taken into consideration by respondent No.1-sanctioning authority while declining to grant the sanction in the impugned

order dated 23.12.2017 as extracted herein above. This Court therefore do not see any reason to show any indulgence. No case is made out warranting interference.

29. In that view of the matter, following;

ORDER

Petition is ***dismissed***.

**SD/-
(M.G.S. KAMAL)
JUDGE**

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