



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL APPEAL NO. 1019 OF 2025 (A)

BETWEEN:

THE STATE OF KARNATAKA
REPRESENTED BY LOKAYUKTA POLICE,
TUMAKURU DISTRICT,
REPRESENTED BY
THE SPECIAL PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU-560 001.

...APPELLANT

(BY SRI. B.B. PATIL, SPECIAL PUBLIC PROSECUTOR (P/H))

AND:

1. K. GOVINDAPPA
S/O KARIYANNA,
AGED ABOUT 53 YEARS,
EX-PRESIDENT
NYAYADAGUNTE,
PANCHAYATH,
PAVAGADA TALUK,
TUMAKURU DISTRICT-577 101.

R/AT CHIKKATHIMMANAHATTI,
NIDGAL HOBLI,
PAVAGADA TALUK,
TUMAKURU DISTRICT-577 101.



2. RAMANJINAMMA
W/O GOPALIAH,
AGED ABOUT 59 YEARS,
SECRETARY AND IN-CHARGE PDO,
NYAYADAGUNTE,
PANCHAYATH,
PAVAGADA TALUK,
TUMAKURU DISTRICT-577 101.

R/AT Y.S. HOSAKOTE,
PAVAGADA TALUK,
TUMAKURU DISTRICT-572 141.

...RESPONDENTS

THIS CRL.A IS FILED U/S 378(1)(3) OF CR.P.C PRAYING TO SET ASIDE THE JUDGMENT DATED 21.04.2021 ACQUITTING THE RESPONDENT PASSED BY THE HON'BLE VII ADDITIONAL SESSIONS AND SPECIAL JUDGE AT TUMAKURU IN SPECIAL CASE NO.213/2016 FOR THE OFFENCE PUNISHABLE UNDER SECTION 13(1)(c) R/W 13(2) OF THE PREVENTION OF CORRUPTION ACT, 1988 AND SECTION 409 AND 466 R/W SECTION 34 OF INDIAN PENAL CODE AND SECTION 120-B OF INDIAN PENAL CODE, AND CONSEQUENTLY CONVICT THE RESPONDENT 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 VENKATESH NAIK T



ORAL JUDGMENT

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

This appeal is preferred against the judgment of acquittal passed in respect of offences punishable under Section 13(1)(c) r/w Section 13(2) of the Prevention of Corruption Act and Section 409 and 466 r/w Section 34 of IPC and Section 120B of IPC.

2. There is an inordinate delay of 1,066 days in preferring the appeal. IA No.2/2025 is filed under Section 5 of the Limitation Act to condone the delay. The application is accompanied with the affidavit of the Deputy Superintendent of Police, Karnataka Lokayukta, Tumkur City.

3. It is stated in the affidavit that after disposal of Spl.CC No.213/2016, a decision was taken to file an appeal. The undersigned was remitted and reoccupied due to general transfers and there was huge workload pending with the Anti-Corruption Bureau Authority. The said Authority came to be abolished by Division Bench of this



Court and a direction was given to transfer all the pending cases registered by the Anti-Corruption Bureau to Karnataka Lokayukta. The transfer was delayed due to administrative reasons. Hence, the delay in filing the appeal is neither intentional nor willful, but due to good and sufficient reasons.

4. The learned counsel for appellant would submit that apart from the reasons stated in the affidavit, the delay was also due to Covid pandemic which was at peak at the relevant point of time. He therefore submitted that the delay may be condoned.

5. The impugned judgment is dated 21.04.2021. The certified copy of the judgment was delivered to the applicant on 31.05.2021 itself. The appeal is filed on 29.04.2025. In the affidavit there is no mention about delay being on account of difficulty faced during the pandemic. No satisfactory or acceptable reasons are assigned in the affidavit, so as to condone an inordinate delay of 1,066 days, which excludes 90 days limitation



provided to the State to file the appeal. We do not see any good reasons to condone the delay in preferring the appeal.

6. Insofar as merit of the case is concerned, it is the case of the prosecution that accused No.1, President of one Nyayadagunte Grama Panchayat and accused No.2 being the Secretary and in-charge PDO, demanded bribe from the complainant for releasing the bill amount in respect of the work done under MNREGA scheme, in spite of the specific orders of the District ombudsman directing accused No.2 to release the bill amount of Rs.23,142/- from her personal funds. Subsequent to lodging of the complaint by PW1, a raid was conducted in the Grama Panchayat Office and certain documents were seized. On completion of investigation, charge sheet was filed against the accused.

7. The charges are framed against accused Nos.1 and 2, principally in respect of allegations of misappropriation of amount of the Grama Panchayat,



criminal breach of trust, forgery and criminal conspiracy. It is alleged that accused Nos.1 and 2 have demanded bribe for releasing the bill amount in respect of work done by PW1 under MNREGA. On appreciation of the oral and documentary evidence led by the prosecution, the trial Court has come to the conclusion that apart from the uncorroborated testimony of PW1 in respect of the said demand of bribe, there is absolutely no other material on record. In the complaint, certain vague allegations are made that in the work done under the MNREGA scheme during 2008-2010, more than double the amount as compared to actual work done was released and hence, there is misappropriation. The allegation does not concern the accused. The further allegations are that in respect of construction of toilets under Nirmala Bharata Yojana, there has been large scale irregularities and the amounts were released in respect of non-existent toilets and those who have actually constructed the toilets were deprived of the benefits. However, the trial Court having regard to the



material on record has come to the conclusion that the said allegation has remained unsubstantiated, since there is no reference to this allegation in the report submitted by PW3 and further, none of the witnesses who are examined have deposed against accused Nos.1 and 2 that they have demanded bribe in releasing the sanctioned amounts.

8. Insofar as the allegation in respect of the Housing Scheme, allotment of houses made to the friends and relatives of accused Nos.1 and 2, nothing was unearthed during investigation and therefore, the said allegation also remained unsubstantiated. In respect of procurement of pump sets for bore-wells, that low quality pump sets are procured, etc., the trial Court has rightly observed that report published in the newspaper is hardly any evidence. Even in respect of said allegation, there is no material collected against the accused.

9. Insofar as the allegation regarding misappropriation of public funds and criminal breach of trust, the subject matter of offences under Section 13



(1)(c) r/w Section 13 (2) of Prevention of Corruption Act and under Section 409 r/w Section 34 of IPC, the trial Court has appreciated the evidence of PW3 and report at Ex.P6. The bulk of the allegations relates to non-compliance of procedural requirements, hence held it will not amount to misappropriation and criminal breach of trust, which would render the accused liable for criminal prosecution.

10. Even in respect of the allegation of forgery of documents are concerned, the prosecution relied on the evidence of PW5, who has categorically stated that he has not done any work of motor rewinding or any other work for the panchayat. Hence, the trial Court has come to the conclusion that his evidence is unreliable and cannot be accepted without due corroboration. Further, the allegation with regard to criminal conspiracy, none of the witnesses have even whispered about the conspiracy between accused Nos.1 and 2.



11. We find no reason to interfere with the impugned judgment passed by the trial Court. Hence, the appeal is ***dismissed*** even on merits.

I.A.No.1 of 2025 and I.A.No.2 of 2025 are dismissed.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

Sd/-
(VENKATESH NAIK T)
JUDGE