



CNR: KAHC010388912026

NC: 2026:KHC:46995
WP No. 17579 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

WRIT PETITION NO.17579 OF 2026 (GM-RES)

BETWEEN:

SRI G.S.SIDDESHI
S/O LATE G SRINIVASA
AGED ABOUT 47 YEARS
WORKING AS REVENUE INSPECTOR
BILlichod Hobli
JAGALUR TALUK
DAVANGERE DISTRICT - 577528

...PETITIONER

(BY SRI. SATISH K, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
LOKAYUKTHA POLICE
REPRESENTED BY POLICE INSPECTOR
DAVANGERE DISTRICT
DAVANAGERE - 577006
2. SRI.SHIVAKRISHNA
S/O SRINIVASA RAO
AGED ABOUT 33 YEARS
RESIDING AT NO.850/9,
3RD CROSS, BANASHANKARI NILAYA
NEAR JNANA NAYVEDYA CONVENT
SARASWATI LAYOUT
DAVANAGERE - 577005

...RESPONDENTS

(BY SRI.B.B.PATIL, ADVOCATE FOR R.1)



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS PERTAINING TO SPECIAL CASE NO.48/2024 PENDING ON THE FILE OF THE HON'BLE PRINCIPAL DISTRICT AND SESSIONS JUDGE, DAVANAGERE AND ETC.

THIS PETITION, COMING ON FOR FRESH MATTERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA

ORAL ORDER

The petitioner is before the Court seeking the following prayer:

"Therefore, the petitioner most humbly prays that this Hon'ble Court may be pleased to:

a) Call for records pertaining to Special Case No.48/2024 pending on the file of the Hon'ble Principal District and Sessions Judge, Davanagere;

b) Issue writ or order quashing the impugned Charge Sheet dated 24/04/2024 filed by the Respondent No.1 - Karnataka Lokayuktha Police, Davanagare, under Section 7 (a) of Prevention of Corruption Act 1988 read with Section 419 and 201 of the Indian Penal Code, 1860 (Annexure-H) and all proceedings pursuant thereto, pending on the file of the Hon'ble Principal District and Sessions Judge, Davanagere in Special Case No.48/2024 (Annexure-J), in the interest of justice and equity.



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c) Pass any other order as this Hon'ble Court deems fit in the facts and circumstances of the above case including the cost of this petition, in the interest of justice and equity."

2. The learned counsel for the petitioner Sri.Satish K would submit that without getting into the merits of the matter, the threshold bar would lead to obliteration of the impugned proceedings in the light of there being no cognizance even taken for the offences but summons being issued against the petitioner.

3. He would submit that the issue in the *lis* stands answered by the judgment rendered in W.P.No.24337/2025. The learned counsel places reliance upon the judgment rendered by the Co-ordinate Bench, wherein the co-ordinate Bench has held as follows:

"This petition has been filed challenging the order of cognizance recorded by the Court below in Special Case No.210/2024, pertaining to the offence punishable under Section 7(a) of the Prevention of Corruption Act, 1988. The petitioner contends that the order of cognizance is legally and procedurally flawed and therefore requires judicial intervention.

2. Learned counsel appearing for respondent No.1/Agency has fairly conceded that the impugned order may



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be set aside and the matter remitted to the Court below. It is submitted that the Court below may be directed to re-examine the materials on record afresh and thereafter pass appropriate orders in accordance with law.

3. To the submission made on behalf of respondent No.1, learned counsel for the petitioner has also fairly conceded. However, the petitioner seeks that liberty be reserved to approach this Court again in the event a fresh order is passed by the Court below, should any grievance arise regarding the subsequent proceedings.

4. Having considered the submissions of learned counsel and perused the order of the Court below, this Court notes that cognizance in respect of the offence punishable under Section 7(a) has been taken by the CEO, and thereafter, the matter was made over to the Court. It is well settled that the taking of cognizance by a competent Court is a matter of serious judicial responsibility. The Court of first instance, whether a Magistrate or a District Judge, is required to apply its mind independently, examine the materials on record, and take cognizance only if satisfied that there exists sufficient material to proceed against the accused. The order of cognizance is thus a substantive judicial act and cannot be treated as a mere formality.

5. On examining the order sheet, it is evident that the cognizance is apparently recorded as having been taken by the CAO, and not directly by the Court. This procedural irregularity indicates that the Court of first instance may not have independently applied its mind to the materials before it, and the order of cognizance is, therefore, not sustainable in



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law. In view of this serious procedural defect, the impugned order cannot be allowed to stand.

6. In the light of the foregoing, this Court is of the view that the appropriate course is to set aside the order of cognizance recorded by the Court below and remit the matter for fresh consideration, ensuring that the Court of first instance examines the materials independently and passes a reasoned order in accordance with law.

7. Accordingly, this Court proceeds to pass the following:

ORDER

i) The petition is allowed to the extent indicated above.

ii) The impugned order of cognizance passed in Special Case No.210/2024 is hereby quashed.

iii) The matter is remitted to the Court below to re-examine the materials on record afresh and pass appropriate orders in accordance with law.

iv) Liberty is reserved to the petitioner to approach this Court in the event of any grievance arising out of the fresh proceedings."

4. In that light, the petition deserves to succeed with the same relief to be granted to the petitioner as well. Accordingly, this Court proceeds to pass the following;



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ORDER

(i) The petition is allowed to the extent indicated above.

(ii) The impugned order of cognizance passed in Special Case No.48/2024 is hereby quashed.

(iii) The matter is remitted to the Court below to re-examine the materials on record afresh and pass appropriate orders in accordance with law.

(iv) Liberty is reserved to the petitioner to approach this Court in the event of any grievance arising out of the fresh proceedings.

(v) It is needless to observe that the other contentions remain open to be urged at the appropriate time before the appropriate Court.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**