IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 12647 OF 2026

BETWEEN:

SADASHIVAPPA,
S/O LATE SHIVANNA,
AGED ABOUT 75 YEARS,
RESIDING AT 308, POORVI AIRAVATHA,
3RD MAIN, 1ST CROSS,
JUDICIAL LAYOUT 2ND PHASE,
THALAGATTAPURA, BENGALURU-560109.
(AS PER THE AADHAR CARD)

...PETITIONER

(BY SRI A.V. GANGADHARAPPA,ADVOCATE)

AND:

1. CENTRAL BUREAU OF INVESTIGATION
ANTI-CORRUPTION BRANCH, NO.36,
BELLARY ROAD, GANGANAGARA,
BANGALORE-560032.
REPRESENTED BY ITS SPECIAL PUBLIC
PROSECUTOR, HIGH COURT BUILDING,
BANGALORE-560001.

2. STATE OF KARNATAKA,
REPRESENTED BY ITS UNDER SECRETARY TO
GOVERNMENT, URBAN DEVELOPMENT DEPARTMENT,
VIKASA SOUDHA, DR. B.R. AMBEDKAR ROAD,
BANGALORE-560001,
PROSECUTION SANCTIONING AUTHORITY.

3. K. MATHAI,
(FATHER NAME NOT KNOWN TO THE PETITIONER),
AGE NOT KNOWN TO THE PETITIONER,
EX-COMMISSIONER,
MANDYA URBAN DEVELOPMENT AUTHORITY,

Digitally signed by PRAMILA G V
Location: HIGH COURT OF KARNATAKA

MANDYA-571401.

…RESPONDENTS

(BY SRI RAHUL KRISHNA REDDY, ADVOCATE A/W
SRI PRASANNA KUMAR P, ADVOCATE FOR R1/CBI,
SRI M V ANOOP KUMAR, ADDL. SPP FOR R2)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH THE CHARGE SHEET DATED 12.11.2025 FILED BY THE 1ST RESPONDENT IN CASE R.C.NO.2(A) /2017 FOR THE OFFENCE P/U/S 120B R/W 406,409,420,149 OF IPC AND SEC.13(2) R/W SEC.13(1)(c)(d) OF THE P.C ACT 1988 IN SO FAR AS IT RELATES TO FILING CHARGE SHEET AGAINST THE PETITIONER IN THIS PETITION IS CONCERNED AND SET ASIDE THE ORDER DATED 19.06.2026 PASSED BY THE COURT OF 46TH ADDL.CITY CIVIL AND SESSIONS JUDGE AND SPL.JUDGE FOR CBI CASES, BENGALURU IN CASE NO.R.C.NO.2(A)/2017 P/U/S 120B R/W 420 OF IPC AND SEC.13(2) R/W 13(1)(c) AND (d) OF THE PC ACT 1988 IN SO FAR AS IT RELATES TO THE PETITIONER IN THIS PETITION IS CONCERNED AND QUASH THE CONSEQUENT PROCEEDINGS IN SPL.C.C.NO.1249/2026 PENDING IN THE COURT OF 46TH ADDL.CITY CIVIL AND SESSIONS JUDGE AND SPL.JUDGE FOR CBI CASES, BENGALURU IN SO FAR AS IT RELATES TO THE PETITIONER IN THIS PETITION IS CONCERNED.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 22ND SEPTEMBER, 2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CAV ORDER

Heard learned counsel appearing for the petitioner and the respondent.

2. This petition is filed to quash the proceedings and charge sheet in Special C.C.No.1249/2026 registered for the offences under Sections 420 and 120B of the Indian Penal Code, 1860 (IPC) and Section 13(2) read with Section 13(1)(c) & (d) of the Prevention of Corruption Act, 1988 ('Act, 1988') insofar as it relates to petitioner who is accused No.1.The proceeding is arising from the complaint dated 05.07.2014.

3. Learned counsel appearing for the petitioner/ accused No.1 submits that:

(i) The petitioner retired in the year 2012 as Commissioner of Mandya Urban Development Authority ('MUDA').

(ii) The present proceeding is arising out of the dispute relating to allotment of sites by MUDA.

(iii) Around 2724 sites were allotted in the year 2005-06 and the decision to allot sites as per the eligibility of the

applicant was taken by the Committee specially constituted for the said purpose.

(iv) The petitioner being the Commissioner of the MUDA, was part of the Committee as a Member Secretary and his role was to only implement the decision taken by the Committee and not to take any decision relating to allotment.

(v) Accordingly, sites were allotted to the eligible persons and the petitioner retired 3 years prior to registration of FIR and no allegations were made against the petitioner at the time of retirement and no disciplinary action was contemplated.

(vi) The complaint is filed alleging that three sites have been allotted to three persons twice and the matter was investigated by the Central Bureau of Investigation (CBI) and after investigation, 'B' report is filed.

(vii) The Magistrate rejected the 'B' report and ordered further investigation.

(viii) After investigation charge sheet is filed alleging the aforementioned offences and the Trial Court has taken

cognizance for the said offences without application of mind and without assigning a proper reasons.

(ix) The sanction is granted to prosecute the petitioner without proper application of mind, as such, the prosecution is not tenable.

(x) The complaint lodged 10 years after the allotment and 3 years after petitoner's retirement is wholly untenable and is filed with an intention to harass the petitioner.

(xi) The requirement of Section 17A of Act, 1988 is not complied.

4. Learned counsel for the respondent by way of reply would submit that the offences alleged attract imprisonment for more than three years, as such, the complaint is not time barred and is in time. Assuming that the provision relating to limitation is attracted, the limitation starts from the date of knowledge and not from the date of commission of offence. From that perspective also, the complaint is in time as the offence came to the knowledge of the then Commissioner of City Municipality in the year 2014 and FIR is registered in the year 2014.

5. The Competent Authority which accorded sanction has assigned sufficient reasons before passing the order granting sanction. Assuming that valid reasons are not assigned, such question can be considered at the time of trial, as held by the Division Bench of this Court in ***National Investigation Agency, Bengaluru vs. Fairoz Pasha and Others***[1] and connected matters, is the submission of the counsel for the respondents.

6. Learned counsel for the petitioner by way of reply would rely on the judgment in ***Anita Maurya and Others vs State of Uttar Pradesh and Another*** [2]**.**

7. The Court has considered the contentions raised at the Bar and perused records.

8. There is no dispute that the complaint was lodged by the Commissioner of MUDA on 05.07.2014 alleging financial loss and the illegalities in connection with the allotment of sites which has taken place in the year 2005 and 2006. Based on the complaint, FIR is registered on 08.07.2014. Later, the said FIR is transferred to the first respondent for investigation vide order dated 22.01.2016 and the case is listed before the

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[1] ***W.P. No.6515/2025 & connected matters dated: 26.04.2025***
[2] ***2026 INSC 806***

Special Judge for CBI cases Bengaluru after it was transferred. On 18.01.2020, the first respondent submitted 'B' report. In terms of order dated 29.07.2022, the Special Judge has rejected 'B' report and directed the first respondent to conduct further investigation. Thereafter, investigation is conducted and the charge sheet is filed.

9. On 09.10.2025 the respondent has applied for sanction to prosecute the petitioner and on 14.10.2025, the permission is granted. On 19.06.2026 the Special Court took cognizance for the offences under Section 13(2) read with Section 13(1)(c)&(d) of Act, 1988. As can be noticed from the charge sheet, it appears that the respondent -State is contending that 3 persons were allotted 2 sites each. Admittedly, same is impermissible.

10. Learned counsel for the petitioner would also urge that around 27 sites were allotted by the Committee and there are large number of applicants. Assuming that three persons were allotted site twice same cannot be termed an act which attract penal consequences as it is quite possible that act might have happened due to oversight and the *bonafide* mistake

cannot be construed as a criminal act warranting a criminal prosecution.

11. It is the contention that the act has to be termed as an act done in good faith and same does not constitute an offence. In addition, it is also urged that the petitioner is not the decision making authority. The decision is taken by the Committee and it is quite possible that even the Committee might have lost sight of the fact that 3 persons were allotted site earlier, as such, they are not eligible for allotment.

12. What is required to be noticed is there is an allegation in the charge sheet that applicants applied for the sites on the same day and allotment was made on the same day and possession of the site was transferred on the same day. If the allegation is that aforementioned applications have been filed on the same day, allotments were made on the same day and possession was also transferred on the same day, the Court is of the view that whether the petitioner acted bonafide or whether there was a willful allotment of sites by the petitioner and others, is a matter that requires trial.

13. It is also noticed that the petitioner has raised a contention relating to delay. The primary contention is, the

complaint is filed 12 years after the allotment and 3 years after the retirement of the petitioner. As can be noticed from the charge sheet, the alleged offences attract 7 years imprisonment. Sections 467 and 468 of Code of Criminal Procedure, 1973 do not prescribe any limitation to take cognizance for an offence where the punishment is more than 3 years imprisonment. That being the position, the contention that the complaint is bared by limitation cannot be accepted.

14. Though it is true in appropriate cases, the Court may quash the complaint on the ground of delay and laches, in the instant case, the Court is of the view that the case made out by the prosecution is based on the documentary evidence and the case is not just dependent on the oral evidence. The documentary evidence referred to in the charge sheet are public records. That being the position, the contention that the complaint is hit by delay and laches cannot be accepted in the present case.

15. As far as the contention that the order granting sanction is not preceded by application of mind and not supported by reasons is concerned, the Court is of the view that said contention can be very well addressed and considered

at the time of trial in view of the judgment of the Division Bench of this Court in ***National Investigation Agency, Bengaluru*** *supra*.

16. As far as the further contention that Section 17A of Act, 1988 requirement is not complied with, it is to be noticed that Section 17A was introduced in the year 2018. The incident has taken place between 2005 to 2006 and complaint is filed in the year 2014. Investigation has commenced in the year 2014 before the introduction of Section 17A. Hence, the Section 17A of Act, 1988 procedure is not applicable to the facts of the case.

17. For the aforementioned reasons, this Court does not find any reason to quash the proceedings.

18. Hence, the Criminal Petition is ***dismissed.***

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

BRN/CHS