

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 6740/2020

(Arising out of impugned final judgment and order dated 09-10-2020 in CRLP No. 6794/2019 passed by the High Court Of Karnataka At Bengaluru)

H. D. KUMARSWAMY

Petitioner(s)

VERSUS

THE STATE OF KARNATAKA & ANR. Respondent(s)
(FOR I.R. and IA No.134508/2020-EXEMPTION FROM FILING O.T. and IA
No.134963/2020-PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 18-01-2021 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv.
Mr. K. Parameshwar, AOR
Mr. M.V. Mukunda, Adv.
Ms. A. Sregurupriya, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Exemption from filing O.T. is granted.

Mr. Ranjit Kumar, learned senior counsel contends that in view of the amendment made in Section 19(1)(b) of the Prevention of Corruption Act vide Act No.16/2018, a sanction was required even though the petitioner was not holding the office at the time when the cognizance was taken. He further submits that without obtaining the sanction under Section 19, no cognizance ought to have taken and the High Court committed an error in rejecting the petition filed under Section 482, CrPC.

Issue notice limited to the question as to whether without sanction the Special Judge could have taken cognizance, returnable within six weeks.

(MEENAKSHI KOHLI)
ASTT. REGISTRAR-cum-PS

(RENU KAPOOR)
BRANCH OFFICER