

ITEM NO.11

COURT NO.14

SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 8795/2015

(Arising out of impugned final judgment and order dated 21-01-2014 in CRL No. 363/2014 passed by the High Court of Karnataka at Bengaluru)

BANGALORE METROPOLITAN TASK FORCE

Petitioner(s)

VERSUS

K.M. SHIVAPRAKASH & ANR.

Respondent(s)

(IA No. 16426/2015 - CONDONATION OF DELAY IN FILING)

WITH

SLP(Crl) No. 8796/2015 (II-C)

(IA No. 16446/2015 - CONDONATION OF DELAY IN FILING)

SLP(Crl.)...CRLMP No. 17906/2015 (II-C)

(IA No. 17906/2015 - CONDONATION OF DELAY IN FILING)

SLP(Crl.)...CRLMP No. 17872/2015 (II-C)

(IA No. 17872/2015 - CONDONATION OF DELAY IN FILING)

SLP(Crl) No. 8794/2015 (II-C)

(IA No. 16237/2015 - CONDONATION OF DELAY IN FILING

IA No. 17877/2015 - PERMISSION TO FILE ANNEXURES)

SLP(Crl) No. 100/2016 (II-C)

(IA No. 297/2016 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(Crl) No. 2966/2016 (II-C)

(IA No. 6487/2016 - EXEMPTION FROM FILING O.T.)

SLP(Crl) No. 2965/2016 (II-C)

(IA No. 6486/2016 - EXEMPTION FROM FILING O.T.)

SLP(Crl) No. 2885-2887/2019 (II-C)

(IA No. 35748/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 3629/2019 (II-C)

(IA No. 30468/2019 - CONDONATION OF DELAY IN FILING)

Date : 19-03-2024 These matters were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE S.V.N. BHATTI**

For Parties

Mr. Rajesh Mahale, AOR

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Mr. Anuj Bhandari, AOR

**Mr. Prabhuling K. Navadagi, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. Ankur Saigal, Adv.
Ms. Kajal Dalal, Adv.
Mr. E. C. Agrawala, AOR**

**Mr. Rohan Deewan, Adv.
Mr. Balaji Srinivasan, AOR**

UPON hearing the counsel the Court made the following
O R D E R

SLP(Crl) No.8795/2015, SLP(Crl) No.8796/2015, SLP(Crl.)...CRLMP No. 17906/2015, SLP(Crl.)...CRLMP No.17872/2015, SLP(Crl) No.8794/2015, SLP(Crl) No.100/2016, SLP(Crl) Nos.2885-2887/2019, Diary No(s). 3629/2019:

Delay condoned.

Heard learned senior counsel for the petitioners and learned senior counsel and learned counsel appearing for the respondents.

Upon hearing the learned counsel appearing for the petitioners at length, we have no doubt in expressing our view that the petitioners have totally misdirected themselves in their endeavour to prosecute the private respondents. It is a situation which has been brought forth by them despite knowing the factual and legal position.

In the light of the provision contained under Section 155 and 156 (3) read with Section 190 of the Code of Criminal Procedure, 1973, the impugned orders are perfectly in order.

In such view of the matter, we find no reason to interfere with the impugned order as we are not dealing with the case of a mere irregularity in conducting the investigation.

However, we are at pain to note that notwithstanding the notification governing the petitioners they proceeded on a wrong track. We have sufficiently indicated to the learned senior counsel appearing for the petitioners that the situation could have been

remedied very easily by them either by adopting a different process or bringing in adequate changes in the existing notification or by introducing a new one.

Unfortunately, this has not been done, leading to quashment of the proceedings initiated without even undergoing the process of trial. We hope and trust that the petitioners would do the needful so that the violators and those who are helping them, while discharging their public duties would be brought to justice.

With the said observations, the Special Leave Petitions are dismissed.

Pending application(s), if any, shall stand disposed of.

SLP(Crl) No.2966/2016, SLP(Crl) No.2965/2016:

List the matter after three weeks.

(SWETA BALODI)
COURT MASTER (SH)

(RAM SUBHAG SINGH)
COURT MASTER (NSH)