

ITEM NO.3

COURT NO.3

SECTION IV-A

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 (C) No(s).  
34611-34616/2015

(Arising out of impugned final judgment and order dated 24-11-2015 in WP No. 25915/2011 24-11-2015 in WP No. 26236/2011 24-11-2015 in WP No. 26237/2011 24-11-2015 in WP No. 26238/2011 24-11-2015 in WP No. 26239/2011 24-11-2015 in WP No. 26240/2011 passed by the High Court Of Karnataka At Bengaluru)

SIRAJIN BASHA &amp; ANR.

Petitioner(s)

VERSUS

B.S. YEDDYURAPPA &amp; ORS.

Respondent(s)

WITH

S.L.P. (C) ...CC No. 8861-8866/2017 (IV-A)  
( and IA No.19655/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

T.P. (C) No. 1038/2016 (XVI-A)

Date : 04-12-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MR. JUSTICE ASHOK BHUSHAN  
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s) Mr. Devadatt Kamat, Addl. Adv. Gen.  
Mr. V. N. Raghupathy, AOR  
Mr. Rajesh Inamdar, Adv.  
Mr. Javedur Rahman, Adv.  
Mr. Aditya Bhat, Adv.  
Mr. Parkshit P. Angadi, Adv.  
Mr. Ashwin G. Raj, Adv.

Mr. Prashant Kumar, Adv.  
Mr. Amit Singh, Adv.  
Mr. Rajan Singh, Adv.  
Mr. Chandra Bhushan Prasad, AOR

For Respondent(s) Mr. Mukul Rohtagi, Sr. Adv.  
Mr. Shubhranshu Padhi, AOR  
Mr. Kush Chaturvedi, Adv.  
Mr. Somay Kapoor, Adv.

Mr. Ashish Yadav, Adv.  
Ms. Priyashree Sharma, Adv.

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

SLP(C) No(s). 34611-34616/2015

The respondents herein has filed a petition under Section 482 of the Code of Criminal Procedure, 1973 challenging the sanction granted by the Governor for prosecuting him. That petition has been allowed by the High Courts vide judgment dated 24.11.2015. The High Court has set aside the order of sanction dated 21.01.2011 and remitted the matter to the Governor for reconsideration in the light of its discussion in the said judgment. Against that order present special leave petition has been filed by the complainant. Though this petition was filed in the year 2015, no notice has been issued so far even when the matter was taken up for hearing at number of times. The record shows that the locus of the petitioner to question the said order was doubted and that is one of the reasons for not issuing the notice.

Be that as it may, we are informed that after the matter was remitted to the Governor for reconsideration, the Governor took the decision by rejecting the sanction under Section 197 of the Code of Criminal Procedure, 1973 and insofar as the provisions of Prevention of Corruption Act, 1988 are concerned, the Governor took the view that since the respondent was no longer holding any public office, no such sanction was required. We are informed that against this order of the Governor, writ petition has been filed by the petitioner which can be considered on its own merits by the

High Court.

Insofar as present petitions are concerned, since the order impugned has already been worked out, no useful purpose would be served in keeping the matter on the file of the record.

We, therefore, dispose of these petitions.

We make it clear that since this Court has not gone into the merits of the impugned order, there is no affirmation of the observations made by the High Court in the impugned judgment.

SLP(C)...CC No. 8861-8866/2017

Though there is a delay of 404 days in preferring these petitions yet in the facts and circumstances of the case we condone the delay.

In view of what is recorded above, these Special Leave Petitions stand disposed of.

Be that as it may, it is again reiterated that this Court has not gone into the merits of this case and, therefore, the issue raised by the State in these petitions is left open.

T.P.(C) No. 1038/2016

The transfer petition stands dismissed.

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(ASHWANI THAKUR)  
COURT MASTER (SH)

(RAJINDER KAUR)  
BRANCH OFFICER