

# The State Of Karnataka vs Sri Muralidhar on 24 January, 2020

**Bench: Navin Sinha, Krishna Murari**

ITEM NO.28

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  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.)

No(s). 6971/201

(Arising out of impugned final judgment and order dated 19-01-2017  
in CRLP No. 6993/2016 passed by the High Court of Karnataka at  
Bengaluru)

THE STATE OF KARNATAKA & ORS.

Petitioner(s)

VERSUS

SRI MURALIDHAR

Respondent(s)

(FOR ADMISSION AND INTERIM RELIEF )

Date : 24-01-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE NAVIN SINHA  
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s)

Mr. Vikramjeet Banerjee, ASG  
Mr. Nalin Kohli, Adv.  
Ms. Ranjana Narayan, Adv.  
Ms. Nimisha Menon, Adv.  
Mr. Indrajeet Singh, Adv.  
Mr. Arvind Kr. Sharma, Adv.  
Mr. Siddhartha Sinha, Adv.  
Mr. Abhishek Mahajan, Adv.  
Mr. O.P. Shukla, Adv.  
Mr. Mukesh Kumar Maroria, AOR

For Respondent(s)

Mr. Ajit S. Bhasme, Sr. Adv.  
Mr. Pankaj Kumar Mishra, AOR  
Mr. A. Bhasme, Adv.

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

Leave granted.

The appeal stands allowed in terms of signed order. Reason: (RAJNI MUKHI) (DIPTI KHURANA)  
SENIOR PERSONAL ASSISTANT COURT MASTER (NSH) (Signed order is placed on the file) IN

THE SUPREME COURT OF INDIA CRIMINAL APPELLATE JURISDICTION CRIMINAL APPEAL NO. 158 OF 2020 (Arising out of SLP (Crl.) No. 6971 of 2017) THE STATE OF KARNATAKA & ORS. APPELLANT (S) VERSUS SRI MURALIDHAR RESPONDENT (S) O R D E R Leave granted.

The appellants assail the order dated 19.01.2017 passed by the High Court allowing the application of the respondent under section 482 Cr.P.C. quashing FIR and the charge sheet submitted under sections 406, 420 and 120B, IPC and Sections 7 & 13 of the Prevention of Corruption Act.

The allegations relate to alleged illegal allotment of plots including to the respondent as a beneficiary though he was an officer of the Authority himself.

We have heard learned counsel for the parties at length and are satisfied that the impugned order is not sustainable for two reasons. Firstly, the High Court could not have taken upon itself to examine the question whether they were “stray plots” or not, which was more a matter for trial. Secondly, issues with regard to inadequate publication according to the rules for allotment of the plots, the allotment made before waiting for the .....2/-

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last date of the receipt of the applications, etc. form part of the charge sheet, have not even been considered by the High Court.

The impugned order is set aside. The appeal is allowed. Needless to state that any application for discharge, if preferred by the respondent, will necessarily have to be considered on its own merits in accordance with law without being influenced by the present order.

.....J. [NAVIN SINHA] .....J. [KRISHNA MURARI]  
NEW DELHI;

JANUARY 24, 2020