

# HC allows probe against BSY

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BENGALURU

In a major setback to Chief Minister B.S. Yediyurappa, the High Court of Karnataka on Wednesday gave the green signal for investigation against him in a criminal case registered in 2019 for allegedly trying to woo Janata Dal (S) MLA Nagana-gouda Kandkur's son Sharanagouda to the Bharatiya Janata Party by offering money and a berth in the Council of Ministers.

Interestingly, the court observed that "the allegations, if found true, would even attract offences of sedition, criminal conspiracy and illegal payments in connection with an election under the Indian Penal Code (IPC) as the allegations made in the complaint and the material produced clearly disclose that an attempt has been made by Mr. Yediyurappa and others accused to excite disaffection towards the government esta-

blished by law by encouraging defection so as to topple the government by lure of money and position". Referring to the complaint and materials on record, the court said that "the allegations *prima facie* make out the ingredients of Sections 120B (criminal conspiracy, 124A (sedition) and Section 171H (illegal payment for elections) of the IPC".

CONTINUED ON PAGE 5

FROM PAGE 1

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The allegations squarely attract the ingredients of the offences under the Prevention of Corruption (Amendment) Act 2018 for an attempt to induce an elected representative to tender his resignation in return for a bribe of ₹10 crores and promise of a position, the court observed.

Justice John Michael Cunha passed the interim order while vacating the earlier interim order of February 22, 2019, staying the investigation into the case.

While the stay of investigation was ordered after preliminary hearing of petitions filed by Mr. Yediyurappa, who was then BJP State unit president, two BJP MLAs -- Shivanagouda Naik of Deodurg and Preetham Gowda of Hassan, and M.B. Maramkal, a former journalist and then adviser to Mr. Yediyurappa.

The stay order has now been vacated on an application filed by Mr. Sharanagouda, who had lodged the complaint on the basis of the audio clip of the recordings of his conversation allegedly with Mr. Yediyurappa and three others at Deodurg circuit house in the early hours of February 8, 2019.

The court noted from the complaint that Mr. Yediyu-

rappa had told Mr. Sharanagouda to join BJP and persuade his father to resign as MLA for Gurumitkal by offering ₹10 crore bribe for that purpose. Besides, Mr. Yediyurappa had told him that he would ensure his win in the byelection from the Gurumitkal constituency.

The court also noted the allegation that Mr. Yediyurappa had told the complainant to go to Mumbai and stay in the resort along with other MLAs who were already staying in the resort and the amount would be delivered to the house of the complainant when the complainant's father tenders his resignation as a MLA. Besides, the petitioners had also threatened the complainant that the political career of the his father would be tarnished by making false allegation when he refused to accept their offer, the court noted from the complaint.

Justice Cunha observed that the petitioners have not filed any rejoinder to the complainant's claim that Mr. Yediyurappa later did admit before the presspersons that he had met Mr. Sharanagouda in the circuit house, besides not disputing the claim that the voice in the audio clip was of Mr. Yediyurappa.