

ಕರ್ನಾಟಕ ವಿಧಾನ ಸಭೆ, ಸಂಶೋಧನಾ ಹಾಗೂ ಉಲ್ಲೇಖನಾ ಶಾಖೆ  
KARNATAKA LEGISLATIVE ASSEMBLY RESEARCH AND REFERENCE BRANCH

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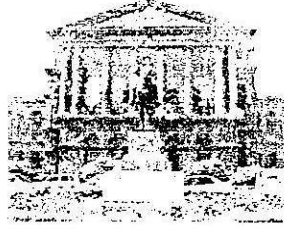
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## HC notice on criminal cases against MPs, MLAs

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The High Court of Karnataka on Wednesday ordered issue of notice to the State government on a petition that has claimed that a single sessions court established to conduct trial of criminal cases related to MPs and MLAs registered in Karnataka irrespective of the nature of offence is contrary to the directions issued by the apex court.

Justice P.S. Dinesh Kumar passed the order on a petition filed by Sunil Kumar Sharma, a resident of Bengaluru and co-accused in one of the cases registered against former Minister D.K. Shiva-



kumar for allegedly attempting to evade income tax and filing false statements.

It was pointed out in the petition that the Income Tax department filed a case before the Special Court of Economic Offences in Bengaluru, which is a magistrate court. However, the case was

transferred to the special court, constituted to exclusively deal with criminal cases related to MPs and MLAs in Karnataka, which is a court of sessions.

The petitioner claimed that the apex court, in its 2014 order, had only directed the courts concerned to complete the trial of criminal cases, falling under Section 8 of the Representation of the People Act, 1951, within one year from the date of framing of charges, and not for all types of offences, and moreover there was no order for setting up special courts.

Contending that the offences under the Income Tax

Act are not attracted under the Section 8 of the RP Act, it has been claimed in the petition that the offences alleged against the petitioner and other accused are neither related to RP Act nor are triable by a court of sessions.

Hence, the case should have been tried before the magistrate court and not transferred to the special court, the petitioner contended while pointing that as an appeal against the order of magistrate's court to be filed before the session court, the direct transfer of the case against him to the sessions court deprived one level of appeal in law.