

ಕರ್ನಾಟಕ ವಿಧಾನ ಸಭೆ, ಸಂಶೋಧನಾ ಹಾಗೂ ಉಲ್ಲೇಖನಾ ಶಾಖೆ

KARNATAKA LEGISLATIVE ASSEMBLY, RESEARCH AND REFERENCE BRANCH

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ಇಲಾಖೆ / ವಿಷಯ : DEPARTMENT / SUBJECT: Legislative Assembly Member

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HC sees no reason to arraign MLA Munirathna in BBMP fake files case

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Bengaluru: The well-established principle that anyone can set the criminal law into motion cannot be stretched too far to permit a stranger — a person other than a de facto complainant — to challenge orders of the court made in those proceedings.

The high court made this observation while rejecting a petition seeking to arraign Rajarajeshwari Nagar MLA N Munirathna, his wife Manjula and film distributor Ramababu as accused in the infamous BBMP files fabrication case of 2014.

"The diction that anyone can set the criminal law in motion does not mean that once set by someone, some others can challenge the orders made by the court in the pending criminal prosecution," Justice Krishna S Dixit pointed out while dismissing a petition filed by NP Amrutesh, an advocate.

The judge added that the petitioner, being an utter stranger to the criminal case, has no right to invoke section

Complaint against five BBMP officials

YH Srinivas of Bhrastaachaara Virodhi Vedike, Yelahanka, lodged a complaint on December 27, 2014 against five BBMP officials with Lokayukta police.

The allegation was that about 1,000 records/files concerning BBMP contracts were being fabricated in a house at Vyalikaval in west Bengaluru, with the intent to swindle public money of Rs 120

crore without doing any work. He also mentioned an i10 car used for carrying the files to and fro. Lokayukta police then registered the case for offences punishable under sections 13(1)(c) & (d) and 13(2) of the Prevention of Corruption Act, 1988. Thereafter, a chargesheet was filed against 10 persons. The special court took cognisance of the offences and framed charges.

319 of the CrPC so as to arraign persons he wants to prosecute. On the merits of the case, the judge noted Munirathna's statement recorded by police under section 161 of CrPC per se may not be sufficient material for invoking section 319, to summon its maker as an accused, especially when the material turned out during investigation does not support the petitioner's case.

Amrutesh had approached the high court after the special court for Lokayukta cases rejected his plea on June 15, 2018. Placing reliance

on Munirathna's February 18, 2015 statement before Lokayukta police under section 161 of CrPC, Amrutesh claimed the MLA had admitted to certain aspects pertaining to the case in his statement and that should be treated as confession, which constitutes sufficient evidentiary material for summoning them to face trial.

However, counsel for Munirathna and others opposed the plea, contending that the petitioner has no locus standi and that even the complainant himself has not arraigned them as accused.

Govt to provide
infra, staff to
anganwadis

TIMES NEWS NETWORK

Bengaluru: The high court on Monday directed the government to submit a statement on providing infrastructure and staff to anganwadi centres across the state.

A division bench wanted to know whether the government has formulated guidelines and asked it to respond to reports given by district legal cell members after their visits to anganwadi centres and how improvements could be made.

The court was hearing a PIL related to malnutrition after concerns were expressed over its recurrence following closure of schools owing to the pandemic.

Lokayukta police claimed the application by Amrutesh was premature and that, there was no material on record for implicating Munirathna and others.