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Denotification case: SC notice to K'taka govt on plea by HDK

NEW DELHI, DHHS: The Supreme Court on Monday issued notice to the Karnataka government on a plea by former Chief Minister H D Kumaraswamy against the High Court's refusal to quash a corruption case related to denotification of two plots at Halagevaderahalli village, Uttarahalli hobli in Bangalore South.

A bench of Justices Ashok Bhushan and M R Shah sought a reply from the government as well as



to the complainant, M S Mahadeva Swamy, on a limited issue whether the special judge could have taken cognisance of the matter without sanction. The court sought a response within six weeks.

Senior advocate Ranjit Kumar, appearing for Kumaraswamy, contended that in view of the amendment made to Section 19(1) (b) of the Prevention of Corruption Act in 2018, a sanction was required even though the petitioner was not holding the office at the time when the cognisance was taken.

He submitted that without obtaining the sanction under Section 19, no cognisance ought to have been taken and the High Court on October 9, 2020, committed an error in rejecting the petition filed under Section 482 of the Criminal Procedure Code.

On September 4, 2019, the special court directed registration of a criminal case against Kumaraswamy and others and issued summons against all the accused persons in the complaint filed in 2012.

It was alleged that Kumaraswamy, during his tenure as the CM, had on October 3, 2007, approved the denotification de-notifying the lands, causing losses to the exchequer.