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Land scam: SC protects BSY from arrest, no trial court relief

You're CM, Who'll Issue Warrant Against You: CJI

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New Delhi: The Supreme Court on Wednesday protected CM BS Yediyurappa from arrest in an alleged land scam case but refused to stay proceedings in the trial court, saying there was no fear of it sending an arrest warrant to him as he is the CM of the state.

"You are the chief minister. Who can issue an arrest warrant against you? At the most, the trial court can issue a request letter asking you to appear before it," a bench led

HC ORDER REVIVING CASE STAYS

“ You are a sitting chief minister. Who will issue a warrant against you? At most, they can issue a request for you — CJI Bobde on CM's petition

- CM Yediyurappa and former industries minister Murugesh Nirani filed plea against revival of a 2011 criminal case
- Pertains to complaint of private investor that commitment to grant 26 acres in Devanahalli industrial area in 2011 was not honoured. Charges include criminal conspiracy and forgery
- Top court refuses to override Karnataka high court order earlier this month allowing case to be restored; issues notice to complainant



by CJI SA Bobde said when Yediyurappa's counsel Mukul Rohatgi and KV Vishwanathan apprehended that the trial court would send an arrest warrant after taking cog-

nizance of the complaint. The bench issued notice to complainant A Alam Pasha on Yediyurappa's petition and said, "There shall be a stay of arrest in the meantime." Co-accu-

sed and former industry minister Murugesh R Nirani, through counsel Sajan Poovayya, too, pleaded for stay of proceedings and sought protection from arrest. The bench stayed arrest, but said, "You are more powerful than the CM."

Yediyurappa and Nirani had filed petitions challenging a Karnataka high court's January 8 order allowing restoration of a complaint filed by Alam, head of Pash Space International, who alleged that the duo had reneged on their 2010 promise to grant 26 acres of land at Devanahalli Industrial area in Bengaluru for a Rs 600-crore housing project. The land grant was cancelled in March 2011.

► Lokayukta plaint, P 4

Plaint to Lokayukta led to filing of chargesheet

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Pasha's complaint to the Lokayukta had led to filing of a chargesheet, which was quashed by the HC on the ground that the police had failed to obtain sanction for prosecution of Yediyurappa. After Yediyurappa ceased to be the CM, a fresh complaint was filed by Pasha saying since the accused is no longer a public servant, no sanction was required. How-

ever, the trial court in 2016 rejected it saying an earlier complaint was earlier dismissed.

Setting aside the trial court's order refusing to look into the complaint, Justice Michael Cunha of Karnataka HC had, on January 8, said, "The quashing of the earlier complaint filed by the petitioner in 2012 for want of sanction, in my view, will not operate as a bar to maintain the instant complaint."

"The prohibition con-

tained in Article 20(2) of the Constitution of India and Section 300 CrPC does not get attracted to the facts of the case as the respondents (Yediyurappa and Nirani) have not been prosecuted or acquitted based on the earlier complaint lodged against them in 2012. In that view of the matter, I do not find any impediment for the trial court to proceed with the instant complaint as per law," the HC had said.