

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7<sup>TH</sup> DAY OF SEPTEMBER, 2020

BEFORE

THE HON'BLE MR. JUSTICE SREENIVAS HARISH KUMAR

**CRIMINAL PETITION NO.3699 OF 2020**

**BETWEEN:**

Sri. R.Umesh,  
Aged about 53 years,  
S/o. Late K.Raju,  
Working at Bengaluru South  
Taluk Panchayath  
Banshankari,  
Bengaluru-560078.

...Petitioner

(By Sri. P.Jagadeesha, Advocate)

**AND:**

1. State of Karnataka by  
Anti Corruption Bureau,  
Bengaluru Rural District  
Police Station  
Pin Code-560001.
2. Sri. S.Rangana Gowda,  
Aged about 55 years,  
Under Secretary Government of Karnataka,  
Department of Rural Development  
And Panchayath Raj  
M.S.Building,  
Bengaluru-560001.

... Respondents

This Criminal Petition is filed under Section 482 Cr.P.C. praying to quash the criminal proceedings initiated for an offence punishable under Section 13(1)(C) read with 13(2) of P.C. Act in Spl.C.No.9/2019 pending on the file of the IX Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru.

This Criminal Petition coming on for admission, this day through video conferencing, the Court made the following:

**ORDER**

Heard the petitioner's counsel. This is a petition under Section 482 Cr.P.C. for quashing the proceeding in Spl.C.No.9/2019 on the file of Special Court constituted under the provisions of Prevention of Corruption Act, Bengaluru Rural District. The allegation against the petitioner is that when he was working as Executive Engineer in Taluk Panchayat, Devanahalli Taluk, he misused his power and leased out 4414 sq.mtrs. of land in Sy.No.64 of Bommanavara and Sy.No.12 of Bandaramanahalli Villages to a land developer viz., Fortiusland Developers L.L.P. on his own and thus

indulged in corruption. Charge sheet is filed under Section 13(1)(c) of the Prevention of Corruption Act.

2. The learned counsel for the petitioner Sri. Jagadeesha P. submits that the petitioner deposited the lease amount of Rs.30,00,000/- in the bank account of the panchayat and that he has not at all misused any amount. The lease was legal. There are no prima facie materials against the petitioner. The trial against the petitioner will be a waste of time and therefore petition needs to be quashed.

3. If the charge sheet is perused what is forthcoming is the allegation that the petitioner indulged in corruption for leasing the land to a land developer. He might have deposited the lease amount, but whether the lease was made legally and whether the petitioner has derived any benefit from the lease transaction is the question to be decided by the trial court. I do not think that holding of trial against the petitioner is a mere waste of time. There

are prima facie materials against him. There is no scope for interference. Petition is dismissed.

**Sd/-  
JUDGE**

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