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Reserved on : 28.08.2026
Pronounced on : 04.11.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 04TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 7484 OF 2024

BETWEEN:

MR.B.M.FAROOQ @
BAVA MOHAMMED FAROOKH
S/O HAJEE B.M. AHMED BAVA
AGED ABOUT 59 YEARS
FORMER MEMBER OF LEGISLATIVE COUNCIL, (MLC)
RESIDING AT NO.19/1, MOYEN VILLA ROAD
LANGFORD TOWN, BENGALURU NORTH,
MUSEUM ROAD, BENGALURU – 560 025.

...PETITIONER

(BY SRI M.ARUNA SHYAM, SR. ADVOCATE A/W
SRI SUYOG HERELE E., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH CHIKKANAYAKANAHALLI PS
TUMAKURU DISTRICT
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA BUILDING
BENGALURU – 560 001.

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2. SRI V.SELVARAJ
S/O VEDAN,
AGED ABOUT 61 YEARS
PROPRIETOR M/S. SUN MINERALS
CHIKKANAYAKANHALLI,
TUMAKURU DISTRICT – 572 101.

…RESPONDENTS

(BY SRI B.N.JAGADEESHA, SPP-I, FOR R-1;
SRI SATHYANARAYANA CHALKE, ADVOCATE FOR
SRI S.RAJENDRA, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO ALLOW THIS CRIMINAL PETITION AND SET ASIDE THE ORDER DATED 04.05.2023 OF TAKING COGNIZANCE ORDER DATED 29.05.2024 OF ISSUING PROCESS PASSED BY THE LEARNED PRINCIPAL CIVIL JUDGE AND JMFC, CN HALLI, TUMKURU DISTRICT INCLUDING THE FIR AND COMPLAINT IN CR.NO.77/2011 REGISTERED BY RESPONDENT NO.1 CHIKKANAYAKANAHALLI POLICE FOR THE OFFENCES P/U/S 409, 420, 461, 468, 471, 120(B) R/W SECTION 34 OF IPC AND ALL FURTHER PROCEEDINGS PURUSANT THERETO, (PRODUCED AT DOCUMENT NO.1, 2 AND 3).

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 28.08.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

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CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

CAV ORDER

The petitioner is before this Court calling in question the proceedings in Crime No.77 of 2011 registered for the offences punishable under Sections 409, 420, 461, 468, 471 and 120B of the Indian Penal Code, 1860 ('the IPC' for short).

2. Heard Sri. **M. Aruna Shyam**, learned senior counsel appearing for the petitioner and Sri. **B.N. Jagadeesha**, learned State Public Prosecutor-I appearing for respondent No.1.

3. Facts in brief, germane, are as follows: -

A complaint comes to be registered against the petitioner on 10-04-2021 for the aforesaid offences. The police, after investigation, file a 'B' report on 16-03-2020. A protest petition is filed against the 'B' report and the concerned Court takes cognizance of the offences on 04-05-2023. An intervening circumstance takes place in the interregnum: the petitioner gets elected as a Member of the Karnataka Legislative Assembly.

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Therefore, the subject petition is preferred, contending that the regular Court has taken cognizance of the offences, whereas it ought to have been taken by the Special Court. On this score, an interim order is granted and the same is in subsistence to date.

4. The learned senior counsel, Sri. M. Aruna Shyam, appearing for the petitioner would vehemently contend that the concerned Court had no jurisdiction to take cognizance of the offences, in the light of the creation of a Court to try offences against people's representatives. Therefore, he would restrict his submission to the plea that the concerned Court did not have jurisdiction and that the matter be remitted to the Special Court for taking cognizance.

5. The learned State Public Prosecutor, Sri. B.N. Jagadeesha, though he would refute the submissions on merit, would admit that this Court and the co-ordinate Bench have clearly held that the Special Court should have taken cognizance and not the regular Court.

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6. In identical circumstances, this Court in the case of **DR. K. SUDHAKAR v. THE STATE OF KARNATAKA[1],** has held as follows:

"…. …. ….

9. The afore-narrated facts are not in dispute. On the aforesaid fact, emerges the complaint. On the complaint, comes an FIR registered against these petitioners. They are arrayed as accused Nos.1 and 2. The police after investigation seek to file their final report, before which Court, is required to be noticed. **The petitioner is an elected representative, insofar as elected representatives are concerned, two Courts are constituted pursuant to the direction of the Apex Court. One, the Special Court for trial of cases filed against sitting as well as former MP's and MLA's, triable by Magistrate in the State of Karnataka and the other Special Court of the District Judge - the Court of Session. Since, the petitioner was a people representative, the police after investigation ought to have filed their final report before the Special Court for trial of cases filed against sitting as well as former MP's and MLA's, triable by Magistrate in the State of Karnataka and not the Court of the Regular Magistrate. In terms of the Government Order No.LA 10 LCE 2018, Bengaluru, dated 08.02.2018, all the sitting as well as former MP's and MLA's, against whom criminal cases are filed, will be triable only by the Special Court constituted for the said purpose. The Government Order reads as follows:**

"ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ: ಲಾ 10 ಎಲ್‌ಸಿಇ 2018,
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 08.02.2018

ಮೇಲಿನ ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಿರುವ ಅಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ರಾಜ್ಯದಲ್ಲಿನ ಚುನಾಯಿತ ಸಂಸತ್ ಸದಸ್ಯರು/ ವಿಧಾನ ಸಭಾ ಸದಸ್ಯರುಗಳ **(Elected MPs/ MLAs**) ಮೇಲೆ ದಾಖಲಾಗಿರುವ ಹಾಗೂ ಅವರು ಒಳಗೊಂಡಿರುವ ಕ್ರಿಮಿನಲ್ ಪ್ರಕರಣಗಳ ಕುರಿತಂತೆ ವ್ಯವರಿಸಲುಒಂದು ವಿಶೇಷ ನ್ಯಾಯಾಲಯವನ್ನು ದಿನಾಂಕ: 01.03.2018 ರಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ಒಂದು ವರ್ಷದ ಅವಧಿಗೆ ಈ ಕೆಳಕಂಡ ಹುದ್ದೆಗಳೊಂದಿಗೆ ಸ್ಥಾಪಿಸಲು ಸರ್ಕಾರದ ಮಂಜೂರಾತಿಯನ್ನು ನೀಡಿದೆ:–"

[1] **W.P.No.18116 of 2024, decided on 27.11.2024.**

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10. The police filed their report before the learned Magistrate and the learned Magistrate takes cognizance of the offences by the following order:

> "Perused the charge sheet and other materials enclosed along with the charge sheet. There are sufficient grounds made out to proceed against the accused No.1 and 2 for the offence punishable U/sec 171B, 171C, 171E, 171F, 511 of IPC and Sec. 123 of RP Act. Hence, cognizance for the above said offences taken by invoking section 190(1) (b) Cr.P.C. Register the criminal case against the accused no.1 and 2 in Register No.III and Issue summons to Accused no.1 and issue NBW against accused no.2."

Who has taken cognizance is discernable by an order itself and it is an admitted fact that the said Court does not have jurisdiction to deal with cases of people's representatives. Therefore, the final report ought to have been placed before the Special Court so constituted. Since it is a jurisdictional error, it is on the face of it, unsustainable. However, that does not mean that the complaint or investigation would vanish. The final report must be placed before the jurisdictional Court and the jurisdictional Court to take the matter further by regulating its procedure."

7. A coordinate Bench of this Court in the case of **DR. Y. RAMAPPA v. STATE OF KARNATAKA[2],** has held as follows:

"…. …. …

7. Subsequently, the State Government in consultation with the High Court has established a Special Court in Bengaluru for trial of cases filed against MPs/MLAs in the State of Karnataka. **The object of establishing Special Courts to hear criminal cases relating to MPs/MLAs is for early disposal of criminal cases pending against them.** It is

[2] **Criminal Petition No.1510 of 2024, decided on 29.06.2026.**

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under these circumstances, the Hon'ble Supreme Court had directed the High Courts to monitor the functioning of the Special Courts. **The High Court of Delhi in the case of Manjinder Singh Sirsa (supra), after referring to the judgment of the Hon'ble Supreme Court in case of Ashwini Kumar Upadhyay(supra) in paragraph Nos.25 to 27, has observed as follows:-**

> **"25. A reading of the above order will also reveal that the objective behind constituting the Special Courts to deal with cases filed against MPs/MLAs, sitting or former, was with a view to ensure that cases pending against them are tried expeditiously.**
>
> **iii. Conclusion**
>
> **26. Admittedly, the petitioner herein is a former MLA and the argument that he had ceased to be an MLA at the time of commission of alleged offence cannot be a bar to his case being tried by the Special Court, constituted to deal with the criminal cases pending against MPs/MLAs. This Court is also of the opinion that the learned counsel for petitioner has failed to convince this Court, as to how his case, being tried expeditiously, can cause any prejudice to the petitioner.**
>
> 27. In such circumstances, this Court is of the view that there is no infirmity in the order of the learned ACMM, and the holistic reading of the judgment of the Hon'ble Apex Court points out that the Special Courts can try offences pending against sitting or former MPs/MLAs, and there is no specific bar for trial of a person who had ceased to be an MP/MLA, when he had allegedly committed an offence."

8. **In the case of Shri Yengkhom Surchandra Singh (supra), the High Court of Manipur in paragraph Nos.21 to 23, has observed as follows:-**

> **"21. It may be noted that the Special Courts established to try cases of former and sitting legislatures as directed by Hon'ble Supreme Court**

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> **are offender-specific and the object behind establishment of such Special Courts through out the country is for expediting the cases against the former and sitting legislatures. With due respect, the view of Andhra Pradesh High Court in the case of Kolusu Partha Sarathy (supra) seems to be very restrictive and the decision of Delhi High Court in the case of Manjinder Singh Sirsa (supra) is in tune with the directions of the Hon'ble Apex Court in the case of Ashwini Kumar Upadhyay (supra).**
>
> 22. Considering the propositions of law as discussed above, this Court is of the view that the Special Courts (MPs/MLAs), Manipur will have jurisdiction to try cases against former and sitting Legislatures (MPs/MLAs), notwithstanding the fact that such offences were committed prior to becoming a legislature; or as a sitting legislature; or after demitting office as a legislature. **Accordingly, the points raised in Para 11 are answered in affirmative, meaning thereby that the Special Courts have jurisdiction to try all cases against the former and sitting legislatures irrespective of their status at the time of commission of such offences.**
>
> 23. Let us apply the principles arrived at Para 21 to the facts of the present case. Admittedly, the petitioner/accused was a former MLA at the time of the commission of the alleged offence. In terms of the decision of Delhi High Court in the case of Manjinder Singh Sirsa (supra) and the principles of law in this regard as arrived by this Court in Para 21, it is evident that the Special Court (MPs/MLAs) No. 2, Manipur is competent to try the case being Cril. (C) Case No. 10 of 2022 filed by the respondent/complainant against the petitioner/accused for the offence committed after he ceased to be an MLA."

9. In the case of Kolusu Partha Sarathy (supra), the High Court of Andhra Pradesh has taken a restrictive definition of the words, namely, 'elected members of Parliament' and 'members of the Legislative Assembly' and it was held that Special Court would have jurisdiction to try offences committed by former or sitting legislature provided that on the day of offence, they were sitting legislatures (MPs/MLAs). **The very object and intention of establishing Special Courts for trial of**

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> **criminal cases relating to MPs and MLAs is to expeditiously dispose of their cases and therefore, whether the accused has committed the offence as a sitting MLA or whether he has become an MLA after committing the offence is of no consequence. Therefore, I am of the opinion that the view taken by the High Court of Delhi and High Court of Manipur in the cases cited supra, is justified. As on this day, respondent No.2 is a sitting MLA and if the object of establishing Special Courts for the trial of cases relating to MPs and MLAs is taken into consideration, I am of the opinion that the prayer made by the petitioner for transfer of SC/ST (Spl) Case No.3/2020 pending before the Court of II Addl. District and Sessions Judge, Davanagere, to the Court of Special Court for MPs/MLAs cases at Bengaluru, is justified**..."
>
> (Emphasis supplied at each instance)

The afore-quoted judgments hold that the Special Courts, constituted pursuant to the direction of the Apex Court for trial of cases against sitting and former MPs and MLAs, are the Courts competent to take cognizance of and try such cases, irrespective of whether the offence is committed before or after the accused becomes a legislator, the object being expeditious disposal of such cases. In light of these circumstances, the order of taking cognizance by the concerned Court requires to be obliterated, reserving liberty to the Special Court to pass necessary orders and regulate its procedure.

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8. For aforesaid reasons, the following:

O R D E R

(i) Criminal Petition is **allowed.**

(ii) Proceedings in Crime No.77 of 2011 pending before the Principal Civil Judge and JMFC, C.N. Halli, Tumkur District stand quashed.

(iii) The matter is remitted to the hands of the Special Court for trial of cases filed against sitting as well as former M.Ps and MLAs, triable by Magistrates in the State of Karnataka, constituted in terms of the afore-quoted Government order and the said jurisdictional Court to regulate its procedure and pass necessary orders, in accordance with law.

Ordered accordingly.

Sd/-
(M.NAGAPRASANNA)
JUDGE

BKP