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Take note of 'unholy nexus' between Yediyurappa and complainant: HC

Court directive to Lokayukta police, trial court; BSY's plea against probe dismissed

SPECIAL CORRESPONDENT
BENGALURU

Chief Minister B.S. Yediyurappa has suffered multiple setbacks as the High Court of Karnataka has directed the trial court and the Lokayukta police to take note of the "unscrupulous, immoral and unholy nexus between Mr. Yediyurappa and the complainant, and other offenders" and take suitable action as per law at an appropriate stage in connection with an alleged corruption case related to denotification of land.

Besides dismissing Mr. Yediyurappa's petition challenging the legality of registration of a first information report (FIR) on the orders of a special court based on a complaint lodged by social activist Jayakumar Hiremath, the High Court also

Chief Minister
B.S. Yediyurappa

imposed a cost of ₹25,000 on the BJP leader.

Also, in yet another case, the High Court restored the complaint of alleged corruption against Mr. Yediyurappa, former Minister Murugesha Nirani and the former managing director of the Karnataka Udyoga Mitra Shivaswamy K.S. while setting aside the trial court's 2016

order of rejecting the complaint filed by A. Alam Pasha.

Justice John Michael Cunha passed the separate orders while dismissing Mr. Yediyurappa's petition, filed in 2017, challenging the 2015 order of the special court, which had ordered investigation by the Lokayukta police into the complaint lodged by Mr. Hiremath.

It was alleged in the complaint that Mr. Yediyurappa, during his tenure as Chief Minister in 2010, had illegally denotified 34 guntas of land among the land acquired for Matadahalli Layout way back in 1970s by the Bangalore Development Authority, contrary to the advise of officials.

The beneficiary of the denotified land was Vimala, mother-in-law of former

Chief Minister H.D. Kumaraswamy in whose tenure as Chief Minister the process of denotification of this land had commenced.

Complaint's conduct

Though Mr. Hiremath, who vehemently opposed the petition till recently, on December 9, 2020, suddenly filed a memo with an affidavit indicting that complaint against Mr. Yediyurappa cannot be continued as there was no sanction for investigation as per amended provisions of the Prevention of Corruption Act, he also contended that he had now laid his hands on some documents that demonstrate that the BJP leader acted on the "recommendations" from the officers concerned.

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Take note of 'unholy nexus' between BSY and complainant: HC

Mr. Hiremath filed this affidavit after Mr. Yediyurappa's petition was amended recently to contend that probe cannot be continued in view of introduction of Section 17A to the PC Act in 2018 requiring prior consent of the competent authority for investigation against a public servant.

However, the High Court, noticing contents of the complaint and objection filed by Mr. Hiremath at the initial stage opposing the petition, and the memo filed in December 2020, observed that it is evident that "an ingenious attempt has been made to bail out the petitioner [Mr. Yediyurappa] and other accused persons named in the FIR." "The hidden motive of Mr. Hiremath is glaringly evident from the manner in which he has made audacious statements in the affidavit contrary to the records, which he claimed to have been able to advert..." it observed.

"From the reading of the affidavit and the memo, one can readily draw an inference that Mr. Hiremath has either fallen prey to the allurements or has yielded to the pressure of the petitioner [Mr. Yediyurappa] or other accused persons named in the FIR, as it is evident that at the instance of the petitioner, petition was amended solely with a view to create a ruse for respondent No. 2 to seek withdrawal of

the complaint," the High Court observed.

"... the allegations made in the complaint and the material produced in support thereof, in my view, *prima facie* disclose the ingredients of the offences alleged against the petitioner warranting a thorough investigation," the court held while declining to quash the FIR registered in 2015.

In Pasha's case

The High Court directed the trial court to proceed as per the law against Mr. Yediyurappa and two others based on the second complaint filed in 2015 by Mr. Pasha.

Mr. Pasha, alleging illegality and corruption in the process of withdrawal of 26 acres of industrial land allotted to him near Devanahalli, filed a complaint before special court in 2012 against Mr. Yediyurappa and others. The Lokayukta police, who were asked to investigate the complaint, had filed chargesheet against them. However, the HC in 2013 quashed the criminal proceedings solely on the ground that there was no prior sanction for their prosecution.

Mr. Justice Cunha, in his order of partly allowing Mr. Pasha's petition, has said that there was no bar on the complainant to file afresh a complaint on the same allegation after Mr. Yediyurappa and others demitted the public offices held earlier.