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Relief to MLA Munnirathna, HC bins plea to make him accused in fake bills case

BENGALURU, DHNS

The High Court of Karnataka has quashed a petition for arraigning RR Nagar MLA N Munnirathna, his wife Manjula and another person as accused in a corruption case.

The well-known principle that anyone can set the criminal law into motion cannot be stretched so far as to permit a stranger to participate in the proceedings, the court ruled.

The petition was filed by Bengaluru-based lawyer Amrutesh N P, who challenged the rejection of his interlocutory application (IA) by a trial court.

In December 2014, the Lokayuk-



Munnirathna

ta police registered an FIR following a complaint by one Y H Srinivas. The allegation was that certain officials in the Bruhat Bengaluru Mahanagara Palike (BBMP) were involved in fabricating bills worth Rs 120 crore at a house on Vyalikaval 2nd Main Road. The Lokayukta police investigated the matter and filed a charge sheet against 10 people.

Even as the trial was half-way through, Amrutesh moved an interlocutory application under section 319 of the Criminal Procedure Code (CrPC), seeking to arraign Munnirathna and others on the ba-

sis of a statement made by the MLA himself.

In the statement, Munnirathna had conceded that the house raided by the Lokayukta police was owned by his wife but that it had been rented to one of his friends for film production and distribution purposes. The MLA also said that he knew that Ideya Vendon, one of the main accused in the case, worked as a BBMP executive engineer for the RR Nagar assembly constituency.

Amrutesh argued that Munnirathna's statement constitutes sufficient evidentiary material for summoning him to face the trial. The Lokayukta police, however, objected to the interlocutory application, and the trial court rejected it.

Amrutesh went in for an appeal in the high court.

Justice Krishna S Dixit observed that a criminal proceeding is not like the game of Kho Kho where one player triggers the movement of another.

The court stressed that a person other than a de facto complainant cannot be permitted to lay a challenge to the orders of the criminal court.

"There may be marginal exceptions to this general rule, is irrelevant in the absence of such circumstances being shown from the record; thus, the petitioner being an utter stranger to the criminal case has no right to invoke section 319 of the Code (sic)," the court said.