

IN THE HIGH COURT OF KARNATAKA AT GULBARGA
(**Delivered at Principal Bench, Bangalore**)

DATED THIS THE 23RD DAY OF DECEMBER 2010

B E F O R E

THE HON'BLE MR.JUSTICE JAWAD RAHIM

CRL.PETITION NO. 9347/2009

BETWEEN:

SHRI IKRAM PASHA,
SON OF MOHAMMAD AKBAR
AGED ABOUT 40 YEARS,
RESIDING AT NO.46, N.T.I. LAYOUT
BOOPASANDARA, BANGALORE.

... PETITIONER

(BY SRI SHANKAR HEDGE FOR N.B.KASAR, ADV.)

AND:

KARNATAKA LOKAYUKTA,
REPRESENTED BY THE INVESTIGATING OFFICER
LOKAYUKTA POLICE STATION, BIDAR

... RESPONDENT

(BY SRI A.VIJAYAKUMAR, SPL. SPP.,)

CRL.PETITION IS FILED U/S 482, Cr.P.C. PRAYING
TO CALL FOR ENTIRE RECORDS FROM THE
INVESTIGATING OFFICER KARNATAKA LOKAYUKTHA
BIDAR AND QUASH THE FIR K.L.A BIDAR P.S. CRIME
NO.5/2009 AND PANCHANAMA DATED 25-06-2009
PENDING ON THE FILE OF SPECIAL JUDGE DISTRICT AND
SESSIONS JUDGE BIDAR.

This Criminal petition having been heard finally and
reserved at Gulbarga Circuit Bench, this day at Principal



Bench, Bangalore, the court pronounced the following order:

O R D E R

Invoking Section 482, Cr.P.C., the petitioner has sought quashing of proceedings in Crime No.5/09 at Annexure-A on the file of Special Judge & District & Sessions Judge, Bidar.

2. The facts relevant for consideration are:

Lokayukta officials raided the office of Regional Transport Office Check Post at Humnabad and checked cash. They found the accused herein was in possession of cash more than the amount collected by way of fine. On comparing the receipt books with cash on hand, they found Rs.4,920/- in excess and thus seized the same. Accused gave statement that the amount of Rs.4,920/ was by sale of Armed Forces Welfare flags. The investigating office did not accept the contention.

3. However, it is seen from the records that by virtue of the order dated 14.5.2009, the Regional Transport Officer, Bidar, had directed the accused to sell Armed Forces flags



and to maintain account. Flags worth Rs.20,000/- were given to him which, according to him, was offered for sale. In support of the contention, he produced the petition submitted to the Regional Transport Officer who, in turn, had acknowledged receipt. It is further noticed that the Asst. R.T.O. having come to know about seizure of the amount, addressed a letter to the Lokayukta to release the amount which has not been responded. From the facts and documents filed, it is clear panchanama drawn on 25.6.2009 only evidences excess cash of Rs.4,920/- and the same has been satisfactorily explained to be proceeds from the sale of flags.

4. It is not only the say of the petitioner but the Asst. R.T.O. has also informed the investigating officer that the amount seized was Government property being sale proceeds of Armed Forces flags. In the circumstances, I am satisfied that the material collected during investigation does not make out any case for prosecution of the petitioner.



5. In the result, I pass the following order:

The petition is allowed. Proceedings initiated in Crime No.5/09 on the file of Special Judge, Bidar, are hereby quashed. Any bond executed by the petitioner or his surety stand cancelled.

Sd/-
JUDGE

vgh*