

IN THE HIGH COURT OF KARNATAKA

CIRCUIT BENCH AT DHARWAD

DATED THIS THE 31ST DAY OF JANUARY 2011

BEFORE

THE HON'BLE MR. JUSTICE ANAND BYRAREDDY

CRIMINAL PETITION No.10084/2011

BETWEEN:

1. Sri G. Mehaboob Sab,
S/o Ali Sab,
Aged about 51 years, working as
Chief Officer, T.M.C.
Siruguppa ,
Resident of Plot No.4, Vishalnagar,
1st Cross, Behind M.G.Automobiles,
Ananthapur Road,
Bellary.
2. Sri K. Dattatreya,
S/o K. Sathyanarayana Shastri,
Aged about 43 years,
Resident of VadhiraJanagara,
Shiruguppa,
Bellary District.
3. Sri T. Taranatha,
S/o late T. Hulugappa,
Aged about 37 years,
Resident of Santhe Market,

Siruguppa, Bellary Dist. ... Petitioners

(By Smt Veena Hegde, Advocate)

AND:

The State of Karnataka,
By Lokayukta Police,
Bellary.

... Respondent

(By Sri Anand K. Navalgimath, GP)

This Criminal Petition is filed under Section 439(1)(B) read with Section 482 of the Code of Criminal Procedure, praying to relax the condition No.(e) imposed in the order dated 13.4.2010 in CrI.P.No.7420/10, and direct the petitioners to appear before the Investigating Officer as and when their presence is required, and etc.

This petition coming on for Orders this day, the Court made the following:

ORDER

Heard the learned Counsel for the petitioners.

2. The petitioners are before this Court with the limited prayer, that by virtue of the order dated 13.4.2010, this Court while imposing terms and conditions for grant of bail has imposed condition No.(e) which requires the petitioners to mark

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their presence before the Investigating Officer on the 1st and 15th of every month till the investigation is complete. The learned Counsel for the petitioners would submit that the investigation in so far as the petitioners are concerned is complete in all respects. The petitioners are not required for any further interrogation or for furnishing any document, which they have fully cooperated with the Investigating Officer in that regard, and therefore, would submit, that the condition No.(e) imposed may be waived or cancelled.

3. The learned Government Pleader, on the other hand, would submit that it is not correct to state that the investigation is complete in all respects. The respondent is yet to obtain certain particulars from the State as regards the commission of the offence by the accused in which they had misappropriated a sum of Rs.20 lakhs, which was earmarked for certain civil work. Having regard to the admitted circumstance that the respondent is only awaiting a formal

order or direction from the State Government in so far as the particulars are concerned, the petitioners not being required for any such purpose, it is not necessary to continue the condition at item No.(e) in the operative portion of the earlier order of this Court dated 13.4.2010.

4. Accordingly, the petitioners shall no longer be required to mark their presence before the Investigating Officer unless called upon by the Investigating Officer for any further information from the petitioners.

With this observation the petition stands disposed of.

**Sd/-
JUDGE**

Sub/