



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 29<sup>TH</sup> DAY OF NOVEMBER, 2023**

**BEFORE**

**THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR**

**CRIMINAL PETITION NO. 818 OF 2023**

**BETWEEN:**

1. SHRI SIVARAMU  
MALE AGED ABOUT 61 YEARS  
S/O LATE HALEVAGOWDA  
632 NIDHI KRUPA, FIRST FLOOR  
8TH MAIN, A - 1 BLOCK EXTENSION  
VIJAYANAGAR, 3RD STAGE  
MYSORE - 570 030.
2. SMT J R PUSHPA  
FEMALE, AGED ABOUT 56 YEARS  
W/O SHRI SHIVARAMU, 632 NIDHI KRUPA  
FIRST FLOOR 8TH MAIN, A- 1 BLOCK, EXTENSION  
VIJAYANAGAR 3RD STAGE, MYSORE - 570 030.
3. SHRI S RAJE GOWDA  
MALE AGED ABOUT 76 YEARS  
S/O SIDDURE GOWDA  
632, NIDHI KRUPA  
FIRST FLOOR 8TH MAIN  
A- 1 BLOCK, EXTENSION  
VIJAYANAGAR 3RD STAGE  
MYSORE - 570 030.

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MAHENDRAKUMAR  
Location: High Court  
of Karnataka

...PETITIONERS

(BY SRI GORAWAR RAHUL RAMANAND, ADVOCATE)

**AND:**

DEPUTY DIRECTOR  
THE DIRECTOR OF ENFORCEMENT  
GOVERNMENT OF INDIA  
3RD FLOOR, B BLOCK BMTD BUILDING  
K H ROAD, SHANTHINAGAR  
BENGALURU - 560 027.

...RESPONDENT

(BY SRI MADHUKAR DESHPANDE, ADVOCATE)



THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, 1973 PRAYING TO QUASH THE PCR NO.18/2015 ANNEXURE C AND FURTHER CRIMINAL PROCEEDINGS IN SPL.C.C.NO.133/2015 PENDING ON THE FILE OF XLVII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AND SPECIAL JUDGE FOR CBI CASES, BENGALURU (CCH-48) AND ETC.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The proceedings under the Prevention of Corruption Act, 1988 were instituted against the petitioner No.1 for the offences punishable under Section 13(1)(e) read with Section 13(2) of the said Act, and the petitioner No.2 is the wife of the petitioner No.1 and the petitioner No.3 is father-in-law of the petitioner No.1, who is arraigned as an accused in the proceedings under the PMLA in the light of a link between the proceeds of crime against the petitioner No.1 under the Prevention of Corruption Act.

2. The learned counsel for the petitioners submits that, the petitioner No.1 is acquitted of the offences under the provisions of the Prevention of Corruption Act by judgment and order dated 24.12.2020, and the said judgment of acquittal has become final. In light of the acquittal order becoming final in the predicate offences, the schedule offences under the PMLA cannot be permitted to continue *qua* the petitioners, is the view taken by the Apex Court in the case of Vijay Madanlal Choudhary and others -vs- Union of India and others - 2022 SCC OnLine SC 929.



3. The learned counsel for the respondent submits that, the acquittal in predicate offences does not *ipso facto* absolve the liability under the PML Act and sought for dismissal of the petition.

4. The issue involved in this petition was examined by the coordinate Bench of this Court in Crl.P.No.9490/2021 c/w Crl.P.No.9740/2021 (DD 24.8.2022) after following the judgment of the Apex Court in the case of Vijay Madanlal (*supra*) has held as follows:

"15. Therefore, the issue need not detain this Court for long or delve deep into the matter in the light of the judgment of the Apex Court (*supra*). The solitary circumstance which would enure to the benefit of the accused in both these cases is acquittal of accused 1 and 2 in Criminal Appeal No.414 of 2016 and the said acquittal becoming final and all the allegations of offences under the Act being linked to the offence under the IPC against accused 1 and 2. Therefore, it the proceedings under the PML Act are permitted to be continued in the teeth of the undisputed facts and the judgments of the Apex Court (*supra*), it would become an abuse of the process of the law and would result in miscarriage of justice."

5. In light of the ratio enunciated by the coordinate Bench of this Court following the decision of the Hon'ble Apex Court in the case of Vijay Madanlal (*supra*), if the proceedings under the PMLA are permitted to be continued *qua* the petitioners, it would become an abuse of process of law and would result in miscarriage of justice. Accordingly, I pass the following:



**ORDER**

i) Criminal petition stands allowed.

ii) The impugned proceedings in Spl.CC No.133/2015 pending on the file of the learned XLVII Additional City Civil and Sessions Judge and Special Judge for CBI Cases, Bengaluru, (CCH 48) stands quashed.

**Sd/-**  
**JUDGE**