



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

**DATED THIS THE 21<sup>ST</sup> DAY OF JANUARY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE M.NAGAPRASANNA**

**CRIMINAL PETITION NO. 6528 OF 2024**

**BETWEEN:**

SIDDAPPA BANAKAR,  
S/O SADASHIVAPPA,  
AGED ABOUT 26 YEARS,  
VILLAGE ACCOUNTANT,  
MADADAKERE CIRCLE,  
IN CHARGE: LAKKIHALI CIRCLE,  
HOSADURGA TALUK,  
CHITRADURGA – 577 501.

R/AT NEAR JYOTHI TALKIES,  
VIDYANAGARA, HOSADURGA TOWN,  
CHITRADURGA – 577 501.

R/AT SHIRAGAMBI VILLAGE,  
RATTIHALI POST AND TALUK,  
HAVERI DISTRICT – 581 110.

...PETITIONER

(BY SRI. PRITHVEESH M. K., ADVOCATE)

**AND:**

1. STATE OF KARNATAKA,  
BY KARNATAKA LOKAYUKTA POLICE STATION,  
CHITRADURGA – 577 501.

REPRESENTED BY ITS





SPECIAL PUBLIC PROSECUTOR,  
HIGH COURT COMPLEX,  
BENGALURU – 560 001.

2. VIJAYA KUMAR V.,  
S/O LATE ERAPPA,  
AGED ABOUT 41 YEARS,  
R/AT DODDAGATTA VILLAGE,  
HIRIYURU TALUK,  
CHITRADURGA – 577 501.

...RESPONDENTS

(BY SRI. B.B.PATIL, ADVOCATE FOR R1)

THIS CRL.P FILED U/S.482 (FILED U/S 528 BNSS) CR.P.C PRAYING TO QUASH THE FIR AND PROCEEDINGS IN SPL.C.(PC)NO.05/2023 i.e., 1/2022 PENDING BEFORE THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, CHITRADURGA FOR THE OFFENCE P/U/S 7(a) OF P.C. ACT REGISTERED BY LOKAYUKTA P.S., CHITRADURGA AGAINST THE PETITIONER HEREIN i.e., ACCUSED.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

**ORAL ORDER**

The petitioner is before this Court calling in question the proceedings in Spl.C.(PC) No.5/2023 arising out of Crime No.1/2022 registered for the offence punishable under Section 7(a) of the Prevention of Corruption Act, 1988 (hereinafter referred to as the 'Act' for short).



2. Heard Sri.Prithveesh M.K., learned counsel appearing for the petitioner, Sri.B.B.Patil, learned counsel appearing for respondent No.1.

3. Facts in brief, germane, are as follows:

3.1. The petitioner at the relevant point in time was working as Village Accountant in Madadakere circle, Chitradurga. The complainant is the one who was wanting the name in the khata of the revenue records to be changed pursuant to certain transactions. It is said that he approaches the petitioner for the purpose of change of entries in the revenue records or the change of the name in the khata. Without the communication from the hands of the Village Accountant, it could not have been done. The petitioner is said to have demanded bribe of Rs.20,000/-, out of which, Rs.10,000/- was agreed to be paid at the time when the work would be done and the remaining later. The complainant pays Rs.5,000/- and what remains is Rs.5,000/- to be paid. The complainant then approaches the Lokayukta who would prepare a pre-trap proceedings and lay a trap upon the petitioner. The petitioner is caught red handed while accepting the tainted



currency of Rs.5,000/-. The phenolphthalein test that the prosecution undertook on the same day was also successful inasmuch as the hands had turned pink. The crime had been registered in Crime No.1/2022 and investigation leads to filing of the charge sheet. The cognizance is taken by the concerned Court on the charge sheet so filed and taking of cognizance has driven the present petitioner to this Court in the subject petition.

4. Learned counsel Sri.Prithveesh M.K., appearing for the petitioner would put up valiant effort in seeking to contend that there is neither demand nor acceptance in the case at hand nor there was any work pending at the hands of the petitioner for him to demand bribe or accept bribe. There is no demand at all in the case at hand and the recordings are not sent to FSL. FSL report is yet to be received and therefore would submit that the charge sheet is short laid against the petitioner and the order of cognizance also does not indicate that cognizance is taken for the offence under Section 7(a) of the Act. On these submissions, learned counsel seeks quashment of the entire proceedings.



5. *Per contra*, learned counsel for the respondent Sri. B.B.Patil would vehemently refute the submission in contending that the petitioner is caught red-handed, the trap was successful. It becomes a matter of trial in such circumstances whether there was a demand or otherwise as there is clear acceptance in the case at hand. The presumption under Section 20 of the Act would kick in, once the acceptance is found or the petitioner is caught red-handed on receiving the tainted currency/bribe amount. The learned counsel would submit that the charge sheet is clear and the order of cognizance need not be reasoned once the concerned Court is taking cognizance on the charge sheet. He would seek dismissal of the petition.

6. The afore-narrated facts are not in dispute. The issue revolves around corruption. The petitioner is a Village Accountant, is alleged to have demanded bribe of Rs.5,000/- for performance of a particular action from the hands of the complainant. The conversation between the two is recorded. The recording leads to a pre-trap proceedings being laid against



the petitioner. A trap is laid against the petitioner later. In the trap, the petitioner is caught receiving a bribe amount of Rs.5,000/- and a tainted currency test that is necessary to be undertaken i.e., phenolphthalein test is also positive. Under these circumstances, the police conduct investigation and file a charge sheet. The summary of the charge sheet as obtaining in Column No.17 reads as follows:

“17. ಕೆಲಸ ದೋಷಾರೋಪಣೆಯ ವಿವರ:-

ಕಲಂ; 7(a) ಭ್ರಷ್ಟಾಚಾರ ಪ್ರತಿಬಂಧಕ ಕಾಯಿದೆ-1988,

ಈ ಪ್ರಕರಣದ ಫಿರ್ಯಾದಿ ಸಾಕ್ಷಿ-01 ರವರ ಸಂಬಂಧಿ ಶ್ರೀಮತಿ.ರಂಗಮ್ಮ ರವರು ಹಿರಿಯೂರು ತಾಲ್ಲೂಕ್ ಕಾಟನಹಟ್ಟಿ, ಗ್ರಾಮದ ಮಹಾಲಿಂಗಪ್ಪ ರವರ ಹೆಸರಿಗೆ ಇರುವ ಹೊಸದುರ್ಗ ತಾಲ್ಲೂಕ್, ಮಾಡದಕೆರೆ ಹೋಬಳಿಯ ರಿ.ಸ.ನಂ.12/1ರ ಜಮೀನನ್ನು ಕ್ರಯಕ್ಕೆ ಖರೀದಿ ಮಾಡಿ, ಖಾತೆ ಮಾಡಿಕೊಡುವಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಆಪಾದಿತರಾದ ಸಿದ್ದಪ್ಪ ಬಣಕಾರ್ ರವರಿಗೆ ನೀಡಿ ಬಂದಿರುತ್ತಾರೆ. ಸ್ವಲ್ಪ ದಿನಗಳ ನಂತರ ಆಪಾದಿತ ಅಧಿಕಾರಿಯವರು ಸಾಕ್ಷಿ-01 ರವರ ಸಂಬಂಧಿ ರಂಗಮ್ಮರವರನ್ನು ಕುರಿತು ಮಹಾಲಿಂಗಪ್ಪನ ಮಗಳಾದ ಸಾಕಮ್ಮ ರವರು ಖಾತೆ ಮಾಡದಂತೆ ತಕರಾರು ಅರ್ಜಿಯನ್ನು ಕೊಟ್ಟಿರುತ್ತಾರೆ. ಹಾಗಾಗಿ ನಾಡಕಛೇರಿ ಹತ್ತಿರ ಬನ್ನಿ ಎಂದು ತಿಳಿಸಿದ ವಿಚಾರವನ್ನು ರಂಗಮ್ಮ ರವರು ಸಾಕ್ಷಿ-01 ರವರಿಗೆ ತಿಳಿಸಿದಾಗ ಸಾಕ್ಷಿ-01 ಮತ್ತು ರಂಗಮ್ಮ ರವರು ದಿನಾಂಕ:16.12.2021 ರಂದು ಆಪಾದಿತರು ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿರುವ ಮಾಡದಕೆರೆ ಕಛೇರಿಗೆ ಹೋಗಿ, ಆಪಾದಿತರನ್ನು ಭೇಟಿಯಾದಾಗ ರಂಗಮ್ಮ ರವರ ಹೆಸರಿಗೆ ಪಹಣಿ ಬರುವಂತೆ ಮಾಡಿಕೊಡಲು 10 ಸಾವಿರ ಲಂಚದ ಹಣಕ್ಕೆ ಬೇಡಿಕೆ ಇಟ್ಟಿದ್ದು, ಸಾಕ್ಷಿ-01 ರವರು ಅಷ್ಟೊಂದು ಹಣ ಕೊಡಲು ಆಗಲ್ಲ ಎಂದಾಗ ಆಪಾದಿತರು 8 ಸಾವಿರ ಲಂಚದ ಹಣಕ್ಕೆ ಬೇಡಿಕೆ ಇಟ್ಟಿರುತ್ತಾರೆ. ನಂತರ ದಿನಾಂಕ:18.01.2022 ರಂದು ಸಾಕ್ಷಿ-01 ರವರು ಆಪಾದಿತರ ಕಛೇರಿಗೆ ಹೋಗಿ ರಂಗಮ್ಮರವರ ಜಮೀನಿನ ಖಾತೆ ಬಗ್ಗೆ ವಿಚಾರಿಸಿದಾಗಲೂ ಸಹ ಆಪಾದಿತರು 10 ಸಾವಿರ ಲಂಚದ ಹಣಕ್ಕೆ ಬೇಡಿಕೆ ಇಟ್ಟಿರುತ್ತಾರೆ. ಸಾಕ್ಷಿ-01 ರವರಿಗೆ ಲಂಚದ ಹಣವನ್ನು ನೀಡಲು ಇಷ್ಟವಿಲ್ಲದ ಕಾರಣ ದಿ:01.02.2022 ರಂದು ದೂರ ನೀಡಿರುತ್ತಾರೆ.

ಸದರಿ ಪ್ರಕರಣದ ಆರೋಪಿತ ಅಧಿಕಾರಿಯಾದ ಸಿದ್ದಪ್ಪ ಬಣಕಾರ್ ರವರು ಸಾಕ್ಷಿ-1 ರವರ ಸಂಬಂಧಿ ರಂಗಮ್ಮರವರು ಖರೀದಿ ಮಾಡಿದ ಜಮೀನಿನ ಖಾತೆ ಬದಲಾವಣೆ ಮಾಡಿಕೊಡಲು ಆಪಾದಿತರು



ತಮ್ಮ ಸರ್ಕಾರಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಲು ಸಾಕ್ಷಿ-1 ರವರಿಗೆ ಲಂಚದ ಹಣಕ್ಕೆ ಬೇಡಿಕೆ ಇಟ್ಟು, ದಿನಾಂಕ:01.02.2022 ರಂದು ಸಾಕ್ಷಿ-1 ರವರಿಂದ ಲಕ್ಷಿಹಳ್ಳಿ ಗ್ರಾಮ ಲೆಕ್ಕಾಧಿಕಾರಿಗಳ ಕಛೇರಿಯಲ್ಲಿ 5,000/- ರೂ ಲಂಚದ ಹಣವನ್ನು ಪಡೆದುಕೊಂಡು ರೆಡ್ ಹ್ಯಾಂಡ್ ಆಗಿ ಸಿಕ್ಕಿ ಬಿದ್ದಿರುತ್ತಾರೆ. ಆರೋಪಿತನು ಲಂಚದ ಹಣಕ್ಕೆ ಬೇಡಿಕೆ ಇಟ್ಟು, ಲಂಚದ ಹಣ ಸ್ವೀಕರಿಸಿರುವುದು ಈವರೆಗಿನ ತನಿಖೆಯಿಂದ ಆರೋಪಿತನ ಮೇಲೆ ಆರೋಪ ಧೃಢಪಟ್ಟ ಮೇರೆಗೆ ಅಂಕಣ-12 ರಲ್ಲಿ ಕಂಡ ಆರೋಪಿತ ಅಧಿಕಾರಿಯ ವಿರುದ್ಧ ಮೇಲ್ಕಂಡ ಕಲಂ ರೀತ್ಯಾ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿಯನ್ನು ಸಲ್ಲಿಸಿದೆ.”

7. On the charge sheet, the concerned Court takes cognizance of the offence, which reads as follows:

**“21.10.2023.**

The Police Inspector, Karnataka Lokayukta, Chitradurga has submitted charge sheet in Cr.No. 01/2022 of ACB (Karnataka Lokayuktha) PS. Chitradurga against the accused Siddappa Banakar for the offence punishable U/sec. 7(a) of PC Act 1988.

Charge sheet is verified and found to be correct.

Accused is on Court Bail.

23 witnesses are cited in the charge sheet.

Properties seized in this case are not produced.

One set of prosecution papers is furnished.

One set of Accused copy is furnished.

FIR., Complaint, PF and other connected papers pertaining to Cr.No. 01/2022 of ACB (Karnataka Lokayuktha) PS, Chitradurga are herewith enclosed.

For orders,

Sd/-  
21/10/23  
C.A.O.

**ORDER**

Perused the charge sheet and its enclosures.



Cognizance of the offence  
P/U/Sec. 7(a) of PC Act.  
Register as Spl.C (PC).  
Notify to PP.  
Issue SS to the Accused.  
Call on,

Sd/-  
5/12/2023  
Prl. District and Sessions Judge,  
Chitradurga."

The issue now is whether this Court at this juncture should interfere in a case where a public servant is caught accepting bribe amount. If the petitioner had not received any amount or somebody else had received the amount, then it would have been a different circumstance to be considered. Here the petitioner himself has received the tainted currency/bribe amount, I do not find anything wanting in the procedure followed by the prosecution i.e., Lokayukta in laying the trap or in filing the charge sheet. The charge sheet being in detail and the issue being of corruption, it would mask the order of cognizance though it does contain some reasons which would not be enough reasons in the eye of law. But the petitioner being caught red-handed, this Court would not lend its protective hands to a person/public servant who has been



caught red-handed by receiving an amount of Rs.5,000/-. It is for the petitioner to come out clean in a full-blown trial.

8. Petition lacking in merits, stands **rejected**.

It is made clear that the observations made in the course of the order would not bind or influence the trial against the petitioner. The concerned Court shall independently apply its mind and regulate its procedure.

**Sd/-  
(M.NAGAPRASANNA)  
JUDGE**

CBC  
List No.: 1 Sl No.: 8  
CT:SS