

16.12.2025

ORDERS ON AFFIDAVIT

Smt. Girija Nanjundappa has filed an affidavit stating that Smt. Sarojamma, Kalaranjan and Sharadamma are her sisters, she was made as nominee to the fixed deposits of Sarojamma, Sarojamma passed away, Kalaranjan lodged police complaint regarding fraud played by Shivakumar, police seized FD amount details and bonds during investigation, Sri.Harish.A.B, Advocate and her sister took her signature on various papers and cheques misguiding that some amount will be transferred to her account an amount of Rs.65 Lakhs transferred to her account, when she had gone through the bank statement she came to know that huge amount has been withdrawn in which Rs.50 Lakhs transferred to the bank account of the Sri.Harish.A.B, Advocate, she requested Sri.Harish.A.B., Advocate to give NOC vakalath and re-transfer amount of Rs.50 Lakhs transferred to her account, Sri.Harish.A.B. Advocate answered that amount paid towards court fee, Judge fee, Government Advocate fee and Police Inspector fee. Upon requesting to furnish the receipts he avoided the same, once again she asked to give NOC vakalath and return the amount. At that time Sri.Harish.A.B. Advocate threatened with dire consequences which was recorded in mobile, she would approach the bar Counsel of Karnataka and filed separate compliant in this regard. Therefore, she is

intending to change the advocate and prosecute the case by engaging new counsel. She has communicated the changing of counsel to Sri.Harish.A.B. through Whatsapp.

Sri.Harish.A.B., Advocate filed vakalath for defaco-complainant Kalarajan and Smt. Girija Nanjundappa. Sections 451 and 457 of Cr. PC application filed for defreeze the bank account and release the FD amount by Sri.Harish.A.B., Advocate on behalf of Smt. Girija Nanjundappa came to be allowed on 16.05.2024.

Sri.Harish.A.B. Advocate has produced the decisions in the case of Karnataka Power Transmission Corporation Ltd, Mysore V/s. M.Rajashekar and Ors. AIR 2017 Kar.1 and Smt.Bhagaya and Ors. V/s. Smt.Jayalakshmi & Ors. AIR 2019 Karnataka 133. Sri.Harish.A.B. Advocate has pointed out that no objection certificate is not required only in a situation where the advocate is discharged by his client in a manner known to law, only then a new counsel can enter vakalath without no objection certificate, when the earlier counsel still holds a valid vakalath, question of a new advocate entering the case cannot be accepted.

Affidavit filed by Smt. Girija Nanjundappa would show that termination of service of Sri.Harish.A.B. and engaging new counsel communicated through WhatsApp to Sri.Harish.A.B., Advocate and she twice requested Sri.Harish.A.B., advocate to give NOC and

return the amount of Rs.50 Lakhs. Smt.Girija Nanjundappa has produced the copy of screenshot regarding communication made with Sri.Harish.A.B, screenshot would show that Smt.Girija Nanjundappa repeatedly communicated to Sri.Harish.A.B, that they are regularly coming all the way from Tumkur but the counsel is not giving case summary properly or documents, so they intend to get the NOC and demand to return the amount of Rs.50 Lakhs. Thereby, it can be said that Smt.Girija Nanjundappa communicated the termination of service of Sri.Harish.A.B., Advocate in a clear manner. She also requested NOC from Sri.Harish.A.B., Advocate stating that he has no objection to the client to changing lawyer and withdrawing his vakalathnama. When Sri.Harish.A.B., Advocate refused to give an NOC she has approached this court by filing an affidavit requesting to discharge service of Sri.Harish.A.B., Advocate. When Smt.Girija Nanjundappa presented an affidavit regarding changing counsel Sri.Harish.A.B. Advocate took time for filing objection to the affidavit on 17.10.2025. Thereby, Sri.Harish.A.B. Advocate was very much present before the court on 17.10.2025.

It is found in the affidavit filed by Smt. Girija Nanjundappa that signatures of her taken misguiding that some amount will be transferred. An amount of Rs.65 Lakhs transferred to her bank account.

Sri.Harish.A.B. Advocate got transferred an amount of Rs.50 Lakhs out of the credited amount from her bank account to his bank account using signatures already taken on certain papers. Smt.Girija Nanjundappa has produced the bank statement of SVC Co-Operative Bank Ltd Hanumanthanagar. Smt.Girija Nanjundappa invited the attention of the court to the fact that an amount of Rs.50 Lakhs transferred from the bank account of Smt.Girija Nanjundappa to Sri.Harish.A.B. on 22.05.2024. Why such a huge amount transferred from bank account has no answer on the part of Sri.Harish.A.B., Advocate. Contents of the affidavit of Smt.Girija Nanjundappa demonstrate that conduct of Sri.Harish.A.B., Advocate is prejudicial her interest involved in the lis.

Thus, I am satisfied that service of conducting the case of Smt. Girija Nanjundappa by Sri.Harish.A.B., advocate shall be discharged. Accordingly, I pass the following:

ORDER

Affidavit filed by Smt. Girija
Nanjundappa is accepted.

Service of conducting the case on
behalf of Smt. Girija Nanjundappa by
Sri.Harish.A.B., Advocate is discharged.

Accused No.1 to 3 are absent. EP filed
and allowed.

For engaging new counsel by
Smt.Girija Nanjundappa.

IV ACJM, Bengaluru.