



**IN THE COURT OF THE PRL. DISTRICT & SESSIONS
JUDGE & SPECIAL JUDGE (P.C.ACT), AT: HAVERI**

DATED THIS THE 27th DAY OF JUNE, 2026

PRESENT:

**Sri.Biradar Devindrappa N.,
B.A., LL.B.,(Spl)**
Prl. District & Sessions Judge
& Special Judge (P.C.Act), Haveri.

SPECIAL S.V.C.No.5/2026

Lokayukat Police Station

Vs.

Smt.Renuka Nerthi, Savanur.

ACCUSED:

Smt. Renuka Nerthi,
Age 46 years, Second Division Assistant,
Tahsildar Office, Savanur,
Haveri District.

(By Sri.S.L.Shivannanavr,, Advocate)

Vs.

COMPLAINANT:

State of Karnataka,
Represented by Police Inspector,
Karnataka Lokayukta Police Station
Haveri.

(By Special Public Prosecutor)

Sl. No.	Stage of the case	Date
1	Date of committal or supply of copies of charge sheet and enclosures	06.04.2026
2	Date of opening of prosecution case	-----
3	Discharge application file if any	20.05.2026
4	Date of Objections	22.05.2026
5	First date of hearing on charge	29.05.2026
6	Date of conclusion of hearing	06.06.2026

**ORDER ON DISCHARGE APPLICATION U/Sec.227 OF Cr.P.C.,/
U/Sec.250 OF BNSS,2023**

Accused of this case arising out of crime No.5/2024 of Karnataka Lokayukta, Haveri, has filed this application U/s 227 of Cr.P.C.,/ U/Sec.,250 of BNSS., praying to discharge her of the offence punishable under Section 7(a) of Prevention of Corruption (Amendment 2018) Act 1988.

2. Grounds made out by her are that, no trap or entrustment procedure was followed and no prima-facie case is made out. No tainted currency notes or unauthorised funds were recovered. The verification process, file movements and alleged initial interactions took place between 22.07.2023 and 12.10.2023. FIR was registered on 12.03.2024 and there was a delay of five months in filing complaint. Proper sanction for prosecution has not been

obtained. Sanctioning authority has mechanically accorded the sanction without an independent application of mind. There is no demand by the applicant. In order to prevent abuse of process of law, it is necessary to discharge her of the alleged offences. Accordingly, it is prayed to allow the application.

3. Learned Special Public Prosecutor filed objections contending that, the first informant Shivanand S/o Tirakayya Kallimath selected as a Graduate Primary School Teacher, in Uttara Kannada District. His caste and income certificate were forwarded to Tahasildar, Savanur for verification. Accused being case worker of said section demanded Rs.6000/- bribe to forward a report to the social welfare office of the district regarding correctness of said certificate, first informant recorded demand in his mobile and filed the complaint before Haveri Lokayukta police. Police registered the case under PC Act., investigated the matter, obtained sanction and filed the charge sheet. FSL report and recorded statements establish Prima-facie case, grounds are not acceptable and application is liable to be rejected. Accordingly, it is prayed to reject the application.

4. Heard both the sides and perused the records, thereafter, following points arise for determination:

1. Whether the discharge application is within limitation?
2. Whether sufficient ground is there for proceeding against the accused?
3. What order?

5. My findings to the above points are as under:

- | | |
|------------|---|
| Point No.1 | In the affirmative; |
| Point No.2 | In the affirmative; |
| Point No.3 | As per final order
for the following |

REASONS

6. **Point No.1**: Section 250(1) of BNSS 2023 gives right to the accused of Sessions Trial case to file discharge application within 60 days from the date of commitment of the case U/Sec.232.

7. Section 262(1) of BNSS 2023 gives right to the accused of warrant trial case to file discharge application within 60 days from the date of supply of copies of documents U/Sec.230.

8. This is Sessions Court and Special court for trial of the cases under the Prevention of Corruption Act and having powers to receive the FIR, take cognizance and try the

case. Therefore, limitation prescribed U/Sec.262(1) of BNSS 2023 applies to this case.

9. Accused appeared on 06.04.2026 and copies of charge sheet and enclosures were furnished on the same day. Discharge application is filed on 20.05.2026 within limitation. Hence, point No.1 is answered in the affirmative.

10. **Point No.2:** According to the prosecution, accused is working as FDA - “ಸಾಮಾಜಿಕ ಭದ್ರತೆ ಎ.ಜಿ.ಎಸ್.ಜಿ ಅಟಲ್-ಜಿ-ಜನಸ್ನೇಹಿ ವಿಷಯ ನಿರ್ವಾಹಕರು” in Tahasildar office, Savanur and she is receiving application for Sindhutwa certificate from different departments and re-submitting the said applications with the report. On 12.10.2023, at 10-30 AM, the complainant went to the Tahasildar Office, Savanur for inquiry in respect of his Sindhutwa certificate, met the accused for sending the report to ಜಿಲ್ಲಾ ಅಧಿಕಾರಿಗಳು, ಹಿಂದುಳಿದ ವರ್ಗಗಳ ಕಲ್ಯಾಣ ಇಲಾಖೆ ಹಾವೇರಿ, the accused demanded Rs.6000/- bribe from the complainant and later asked only a sum of Rs.4000/-. Hence, the prosecution alleges the offence U/Sec. 7(a) of PC Act.

11. It is specifically alleged that, on 12.10.2023, at 10.30 a.m., in the office of Tahsildar, Savanur, accused a

public servant, the case worker demanded Rs.6000/- and later Rs.4000/- bribe to the complainant to forward report regarding verification of his caste and income certificate for appointment of Graduate Primary School Teacher.

12. Grounds made out by the accused are that, no bribe was accepted, no trap was conducted, no recovery was made and no case is made out against her.

13. Defence counsel urged the points in the line of discharge grounds. He relied upon Constitution Bench judgment of Hon'ble Supreme Court Neeraj Dutta V/s State (Govt.of NCT of Delhi) having DD 15.12.2022.

Said case was referred to the Constitution Bench regarding result of trial of a case under the prevention of corruption act in the absence of evidence of the eyewitness/first informant and Hon'ble Apex court held that, even in the absence of evidence of the eyewitness/first informant, accused can be convicted, if other material establishes the guilt.

14. Defence counsel also relied upon the judgment of Hon'ble High Court of Karnataka, Bengaluru in the case of

Prabhugowda Patil v/s. State of Karnataka (Criminal Petition No.5163/2023) contending that, demand alone does not constitute the offence of bribe in the absence of receipt.

15. Learned Special Public Prosecutor vehemently argued that, provision itself is clear and the words “attempt to obtain” presuppose the demand alone constitute the offence of bribe of U/Sec.7 of Prevention of Corruption Act.

16. At Para Nos.12 and 13 of the judgment in the case of *Devinder Kumar Bansal vs The State Of Punjab* having DD 3rd March, 2025 Hon’ble Supreme Court has held that, demand for bribe itself constitute an offence of attempt to obtain bribe and attracts Sec.7(a) of P.C. Act, and actual exchange of bribe is not an essential requirement to be prosecuted. Said paragraphs are reproduced below;

“12. Further, it is seen that, Section 7 speaks of the "attempt" to obtain a bribe as being in itself an offence. Mere demand or solicitation, therefore, by a public servant amounts to commission of an offence under Section 7 of the P.C. Act. The word "attempt" is to imply no more than a mere solicitation, which, again may be made as effectually in implicit or in explicit terms.

13. Actual exchange of a bribe is not an essential requirement to be prosecuted under this law.

Further, those public servants, who do not take a bribe directly, but, through middlemen or touts, and those who take valuable things from a person with whom they have or are likely to have official dealings, are also punishable as per Sections 10 and 11 of the Act 1988 respectively.”

17. In view of the law laid down by the Hon’ble Supreme Court in *Devinder Kumar Bansal vs The State Of Punjab* and peculiar facts of this case, the principles laid down in the cases relied upon by the defence counsel are not helpful to his case.

18. First information, DVD produced with first information, text of said DVD and sample voice collected by the Investigation Officer etc are the material sufficient to frame charge and proceed against the accused.

19. Grounds made out by the accused narrated in the foregoing paragraphs are not acceptable and this case requires trial. Accordingly, point No.2 is answered in the affirmative.

20. **Point No.3:** For the foregoing reasons, I proceed to pass the following:

ORDER

Application U/s 227 of Cr.P.C./
U/Sec.250 of BNSS., filed by the accused to

discharge her of the offence punishable under Section 7(a) of Prevention of Corruption (Amendment 2018) Act 1988 is rejected.

(Dictated to the Stenographer Grade-I, transcribed by him, revised and corrected by me, signed and then pronounced in the open Court on this the 27th day of June, 2026.)

(Biradar Devindrappa N)

Prl. District and Sessions Judge &
Special Judge (P.C.Act), Haveri.