



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL REVISION PETITION NO. 152 OF 2026

BETWEEN:

STATE OF KARNATAKA
BY LOKAYUKTA POLICE
M.S. BUILDING,
BANGALORE - 560 001.
BENGALURU
REPRESENTED BY SPP
KARNATAKA LOKAYUKTA

...PETITIONER

(BY SRI. LETHIF B., ADVOCATE)

AND:

SRI. H.K. KRISHNE GOWDA
S/O. LATE KOTEGOWDA
AGED ABOUT 65 YEARS,
CHIEF ENGINEER
HEMAVATHI PROJECT RANGE
GORUR, HASSAN - 173 120.
R/AT HEBBALAKOPPALU
KRISHNARAJANAGAR TALUK
HASSAN - 573 201.

...RESPONDENT

(BY SRI. S. SHANKARAPPA, ADVOCATE)

THIS CRL.RP IS FILED U/S.397 R/W 401(FILED U/S.438
R/W SEC.442 BNSS) CR.P.C BY THE ADVOCATE FOR THE
PETITIONER PRAYING THAT THIS HONBLE COURT MAY BE





PLEASED TO SET ASIDE THE ORDER DATED 26.08.2021 PASSED BY PRINCIPAL SESSIONS AND SPECIAL JUDGE AT HASSAN IN SPL.C.NO.156/2015 (CRIME NO.19/2014) FOR THE OFFENCE P/US/ 7, 13(1)(d) R/W SEC.13(2) OF PC ACT ON THE APPLICATION FILED U/S.227 OF CRPC.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. There is a huge delay of 1506 days in filing the revision petition. However since this Court is disposing of the main matter itself, delay is condoned and matter is taken up for final disposal.

2. After addressing the arguments for sometime a memo came to be filed by the learned counsel for the petitioner. Memo reads as under:

"Undersigned counsel hereby prays this Hon'ble Court may be pleased to permit petitioner to take fresh sanction from Competent Authority with said liberty petition may be disposed in the interest of justice."



3. Counsel for respondent has endorsed that he has seen the memo.

4. Respondent is the sole accused in Special Case No.156/2015.

5. His application under Section 227 of the Code of Criminal Procedure came to be allowed by the impugned Order dated 26.08.2021.

6. Belatedly, Lokayuktha has filed the present revision petition challenging the validity of the Order.

7. On perusal of the impugned order, it is noticed that the sanction order to prosecute the respondent filed along with the charge sheet is invalid inasmuch as the same has been issued by the then Hon'ble Chief Minister without reference to the Cabinet.



8. Respondent being the Chief Engineer, it is the Government which is proper authority to issue sanction order for prosecuting the respondent.

9. As such, learned Trial Judge accepting the contentions urged on behalf of the accused that the sanction order is invalid and discharging the accused is just and proper which requires no interference by this Court in this revision petition.

10. However, it is always open for the prosecuting agency to obtain valid sanction order and file a fresh charge sheet as an Order of discharge cannot be construed as an Order of acquittal.

11. Valid sanction order passed by the competent authority is a *sine qua non* for the Trial Judge to take cognizance and proceed with the criminal case especially where the accused is a government servant charged with the offence punishable under the provisions of Prevention of Corruption Act.



12. Purpose of obtaining the proper, valid sanction order passed by the competent authority is not an empty formality.

13. Sanction order is a necessity in a matter of this nature and competent authority is bound to consider the material placed on record by the Investigation Agency in a proper manner and thereafter independently take a view to issue sanction order to prosecute a person inasmuch as honest government servants are to be protected by the system.

14. In the case on hand, if the Investigation Agency obtains such a valid sanction order by the competent authority, the same may be made as part of the charge sheet and fresh/additional/supplementary charge sheet can be filed as nature of offence would not permit that only on the ground of delay and accused cannot be permitted to escape from the clutches of law.



15. Having said so, any such fresh sanction order is obtained by the Investigation Agency and prosecution is continued, accused is at liberty to question the same in accordance with law. Such a liberty is reserved for the petitioner.

16. Accordingly, the revision petition is ***disposed off.***

**Sd/-
(V SRISHANANDA)
JUDGE**

SNC
List No.: 2 SI No.: 24