

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.1777-1784 OF 2017  
(Arising out of SLP (Crl.) Nos.6244-6251 of 2017)

THE STATE OF KARNATAKA

APPELLANT(S)

VERSUS

LINGANAGOUDA ETC.

RESPONDENT(S)

O R D E R

Leave granted.

We have heard learned counsel for the parties and perused the record.

The Deputy Superintendent of Police, Karnataka Lokayukta, filed a complaint dated 30.05.2014 addressed to Police Inspector, Karnataka Lokyukta Police Station, making allegations of illegal mining by certain private persons in collusion with the public servants. When the said allegation was being investigated, the respondents filed a petition before the High Court under Section 482 of Code of Criminal Procedure, 1973 challenging the proceedings on the ground that the cognizance of the offence under Section 22 of the Mines and Minerals (Development and Regulation) Act, 1957 can be taken only on a complaint of a specifically authorized person. This plea has been upheld by the High Court and proceedings quashed.

We find that the stage of cognizance will arise

only after investigation is completed and there is no bar to the investigation being carried out by the Lokayukta Police on the complaint in question particularly when the allegations include offence under the Prevention of Corruption Act, 1988. In this view of the matter, the impugned order cannot be sustained.

Accordingly, the impugned order is set aside and appeals are allowed. The concerned police may carry out the investigation and proceed in accordance with law.

.....J.  
[ADARSH KUMAR GOEL]

.....J.  
[UDAY UMESH LALIT]

NEW DELHI  
12<sup>th</sup> October, 2017

ITEM NO.48

COURT NO.10

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).  
6244-6251/2017

(Arising out of impugned final judgment and order dated 28-03-2017  
in CRLP No. 5684/2015 in CRLP No. 5685/2015 in CRLP No.  
5686/2015 in CRLP No. 5945/2015 in CRLP No. 6689/2015 in CRLP  
No. 6872/2015 in CRLP No. 6873/2015 in CRLP No. 6874/2015  
passed by the High Court of Karnataka at Bangalore)

THE STATE OF KARNATAKA

Petitioner(s)

VERSUS

LINGANAGOUDA ETC.

Respondent(s)

(IA No.73380/2017-CONDONATION OF DELAY IN FILING)

Date : 12-10-2017 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL  
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Joseph Aristotle S., AOR  
Mrs. Priya Aristotle, Adv.  
Mr. Ashish Yadav, Adv.

For Respondent(s) Mr. Jayant Bhushan, Sr. Adv.  
Mr. S. Udaya Kumar Sagar, Adv.  
Ms. Bina Madhavan, Adv.  
Mr. L.M. Chidanandayya, Adv.  
Mr. Prateek Dhir, Adv.  
Ms. Swati Bhardwaj, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

Delay condoned.

The appeals are allowed in terms of the signed order.

Pending applications, if any, shall also stand disposed  
of.

(SWETA DHYANI)  
SENIOR PERSONAL ASSISTANT

(PARVEEN KUMARI PASRICHA)  
BRANCH OFFICER

(Signed order is placed on the file)