



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF FEBRUARY, 2026

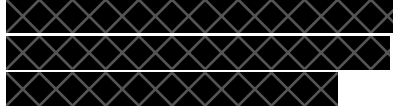
BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

CRIMINAL PETITION NO. 4209 OF 2021

BETWEEN:

1. SRI RAVI HEGDE
AGED ABOUT 50 YEARS,
EDITOR IN CHIEF KANNADA PRABHA,

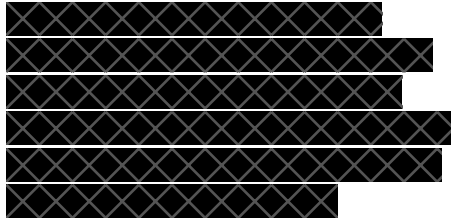


...PETITIONER

(BY SRI. ARUNA SHYAM, SENIOR COUNSEL FOR
SRI. S. SUDHARSAN, ADVOCATE)

AND:

1. KELACHANDRA JOSEPH GEORGE



...RESPONDENT

(BY SRI. K.N. PHANEENDRA, SENIOR COUNSEL FOR
SRI. SANDEEP C.T., ADVOCATE)

THIS CRL.P IS FILED U/S 482 CR.PC, 1973 PRAYING TO
SET ASIDE THE ORDER DATED 17.01.2020 TAKING
COGNIZANCE OF THE PROCEEDINGS REGISTERED IN
SPL.C.C.NO.48/2020 PENDING ON THE FILE OF THE LXXXI
ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT
BENGALURU AND ETC.





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

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

The present petition has been filed by the petitioner who is accused no.4 before the trial court seeking for setting aside of the order dated 17.01.2020, whereby cognizance was taken against the petitioner/accused no.4.

2. The petitioner has also sought for setting aside of entirety of proceedings in Spl.CC 48/2020 pending on the file of LXXXI Additional City Civil & Sessions Judge (CCH-91) at Bangalore.

3. At the time of hearing of the matter, it was pointed out that order of cognizance was taken by the learned Sessions Judge which was the Designated Special Court. The offences involved are Section 499 and 500 of IPC, with respect to such offences cognizance could have been taken only by the Magistrate in terms of Section 190 Cr.P.C. Though there was some ambiguity at the



initial stage where Special Courts were set up to try the offences involving elected members, subsequent clarification by the Apex Court is to the effect that the Special Court would be the jurisdictional court, which would mean if the offences is to be tried by a Magistrate, then the court of Magistrate would be competent to try the offences.

4. In the present case, Section 499 and 500 IPC are triable by the Magistrate. Therefore, the proceedings before the Sessions Court were not permissible.

5. Accordingly, all proceedings subsequent to 25.11.2019 are set aside and the complaint is to be considered afresh post 25.11.2019 by the jurisdictional Magistrate. It is also clarified that as the complainant is the only elected member and no accused are elected members, the case need not be tried by the Designated Courts for M.P., MLA and elected members, however the proceedings are to be tried by the jurisdictional Magistrate. All contentions of both sides are kept open.



6. The court may consider the matter afresh without being influenced by any orders passed or proceedings made till this date.

7. In light of the present order noticing the defect in taking cognizance and issuance of process even insofar as other accused are concerned, who are not present before the court, the proceedings would have to be re-commenced from the same stage as ordered in the present petition. However, it is clarified that proceedings against accused no.3 have culminated in setting aside of the proceedings against him and such closure would not be disturbed. Accordingly, the proceedings against accused nos.1, 2 and 4 may be proceeded with in terms of the above discussion.

8. Accordingly, the petition is disposed of.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

NP