



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL REVISION PETITION NO.1235 OF 2017

BETWEEN:

STATE OF KARNATAKA,
REPRESENTED BY SPECIAL INVESTIGATION TEAM,
KARNATAKA LOKAYUKTA, BENGALURU.

...PETITIONER

(BY SRI. B.S. PRASAD, ADVOCATE)

AND:

1. M/S GEM LABORATORIES PVT. LTD.,
PAMADI TOWERS, 1ST MAIN,
GHANDINAGAR, BENGALURU - 560 009.
2. SRI. G.M. LINGARAJU
S/O MALLIKRJUNAPPA
AGED 47 YEARS,
DIRECTOR OF M/S. GEM LABORATORIES
PRIVATE LTD., PAMADI TOWERS,
2ND FLOOR, 1ST MAIN ROAD,
GANDHINAGAR, BENGALURU - 560 009.
PRESENTLY R/AT NO.380/1,
SHIVAN APARTMENT, 13TH MAIN ROAD,
RMV 1ST STAGE, BENGALURU - 560 094.
3. SRI B.N. SHARATH PATEL
S/O B.S. NIJALINGAPPA





AGED ABOUT 33 YEARS, MANAGER
M/S. GEM LABORATORIES PRIVATE LTD.,
PAMADI TOWERS, 2ND FLOOR
1ST MAIN ROAD, GANDHINAGAR,
BENGALURU - 560 009.

...RESPONDENTS

(BY SRI. P.N. HEGDE, ADVOCATE)

THIS CRL.RP IS FILED U/S.397 R/W 401 OF CR.P.C
PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED
01.09.2017 PASSED BY THE HON'BLE XXIII ADDITIONAL CITY
CIVIL AND SESSIONS JUDGE, BENGALURU IN
SPL.C.C.NO.489/2015.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. Heard Sri. B.S. Prasad, learned counsel for the Lokayukta and Sri. P.N. Hegde, learned counsel for the respondents.
2. At the outset, Sri. B.S. Prasad, learned counsel for the Lokayukta would submit that the impugned order passed by the Trial Judge is not



proper inasmuch as the learned Trial Judge has noted that there is no private complaint filed by the Special Investigation Team (hereinafter referred to as 'SIT' for short).

3. Pertinently, the case came to be registered by the 'SIT' after filing the private complaint, pursuant to the directions issued by the Hon'ble Apex Court in SLP No.562/2012.
4. Therefore, the impugned order is *per se* incorrect as it is passed without even looking into the records properly.
5. Sri. P.N. Hegde, learned counsel for the respondents/accused however would submit that the contentions now urged before the Court would not come in the way of sustaining the impugned order of discharge inasmuch as on merits, the Trial Court has taken into



consideration the relevant aspects of the matter and discharged the accused.

6. Having noticed the rival contentions of the parties, pertinently in respect of illegal mining, there was a petition filed before the Hon'ble Supreme Court in SLP No.562/2012 wherein Hon'ble Supreme Court after hearing all concerned, directed a Special Investigation Team should be formed by the State Government to investigate into the alleged illegalities in mining in Bellary, which was ultimately transported from Bellikeri, Karwar, Uttara Kannada District.
7. Pursuant to the same, a Special Investigation Team has been formed and matter was investigated.



8. The learned Trial Judge while considering the application seeking discharge of the accused from the charges which has been alleged in the charge sheet against the respondents, has made an observation in the impugned order that a private complainant ought to have been filed in respect of the offences under the Mines and Minerals (Development and Regulation) Act. But, no such private complaint is filed and therefore discharged the respondents.
9. Said observation of the learned Trial Judge is totally uncalled for inasmuch as in the records of Trial Court itself, private complaint is available. Ignoring the same, passing the impugned order has thus resulted in miscarriage of justice.
10. Expressing any opinion on the other merits of the matter would definitely hamper the rights of both parties, one way or the other.



11. Thus, resisting from expressing any opinion on the merits of the matter, suffice to say that the Order of the learned Special Judge is contrary to the records and therefore called for interference by this Court in the revisional jurisdiction.

12. Accordingly, following order:

ORDER

- (i) Criminal Revision Petition is allowed.
- (ii) Impugned order dated 01.09.2017 passed by the Hon'ble 23rd Additional City Civil and Sessions Judge, Bengaluru in Spl.CC No.489/2015 is set-aside.
- (ii) Matter is remitted to the learned Special Judge for disposal on the application filed by the respondent seeking discharge in accordance with law afresh on or before **30.06.2026.**



(iv) Both parties shall appear before the learned
Special Judge without further notice on
15.04.2026.

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

SNC
List No.: 1 Sl No.: 78