

ITEM NO.25+75

COURT NO.6

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 (Cr1.) No(s). 2292/2024

(Arising out of impugned final judgment and order dated 06-02-2024 in CRLP No. 7533/2023 passed by the High Court Of Karnataka At Bengaluru)

SIDDARAMAIAH

Petitioner(s)

VERSUS

STATE OF KARNATAKA &amp; ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.39426/2024-EXEMPTION FROM FILING O.T. )

(Item no. 75)

SLP (Cr1.) No(s). 2332/2024

(Arising out of impugned final judgment and order dated 06-02-2024 in WP No. 430/2024 passed by the High Court Of Karnataka At Bengaluru)

([TO BE TAKEN UP ALONG WITH ITEM NO. 25 I.E. SLP(Cr1) No. 2292/2024].....FOR ADMISSION and I.R. and IA No.40553/2024-EXEMPTION FROM FILING O.T. )

WITH

SLP(Cr1) No. 2337/2024 (II-C)

(FOR ADMISSION and I.R. and IA No.40612/2024-EXEMPTION FROM FILING O.T.)

SLP(Cr1) No. 2398/2024 (II-C)

(FOR ADMISSION and IA No.41869/2024-EXEMPTION FROM FILING O.T.)

Date : 19-02-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY  
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Dr. Abhishek Manu Singhvi, Sr. Adv.  
Mr. Atul Chitale, Sr. Adv.  
Mr. Devadatt Kamat, Sr. Adv.  
Mr. Rajesh Gulab Inamdar, AOR  
Mr. Javedur Rahman, Adv.  
Mr. Aditya Bhat, Adv.  
Mr. Ashwin G Raj, Adv.

Mr. Siddhant Kumar Singh, Adv.  
Mr. Harsh Pandey, Adv.  
Mr. Revanta Solanki, Adv.  
Mr. Mohammad Arslaan Muin, Adv.  
Mr. Shashwat Anand, Adv.  
Mr. Anubhav Kumar, Adv.  
Mr. Ajay Desai, Adv.  
Mr. Vasim Lalsa Shaikh, Adv.

Mr. Kapil Sibal, Sr. Adv.  
Mr. Sidharth Luthra, Sr. Adv.  
Mr. Devadatt Kamat, Sr. Adv.  
Mr. Atul Chitale, Sr. Adv.  
Ms. Prerna Singh, Adv.  
Mr. Anmol Kheta, Adv.  
Mr. Guntur Pramod Kumar, AOR  
Mr. Harsh Pandey, Adv.  
Mr. M V Mukunda, Adv.

For Respondent(s)

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

Heard Mr. Kapil Sibal, Mr. Sidharth Luthra, Dr. Abhishek Manu Singhvi, Mr. Atul Chitale and Mr. Devadatt Kamat, learned Senior Counsel appearing for the petitioners in the respective Special Leave Petitions.

2. The challenge in this bunch of Petitions is to the common judgment and order dated 06.02.2024 passed by the High Court of Karnataka at Bengaluru, whereunder the High Court rejected the plea for quashment of the proceeding in CC No.12763/2023, pending before the Special Court for trial of cases against MPs/MLAs in the State. The said proceeding emanated from Crime No. 54/2022, registered by the High Grounds Police, Bengaluru City, against as many as 36 accused persons for the offences punishable under Section 143 of

the Indian Penal Code, 1860 and under Section 103 of the Karnataka Police Act, 1963.

3. The counsel for the petitioners would draw attention to the relevant part of the chargesheet dated 12.02.2023 to point out that the accused were protesting and shouting slogans on the public road against the then political dispensation in the Karnataka State. No allegations, such as, assembling to overawe by criminal force or show any criminal force, or to resist the execution of any law or to commit any mischief or criminal trespass etc. were levelled in the chargesheet. But these are essential ingredients for invoking the provisions of Section 141 of the IPC, 1860. Yet, only on the allegation of obstruction to vehicular traffic and public movement and which allegedly led to law and order situation, the criminal proceedings have been drawn up against the petitioners.

4. The Senior counsel would highlight that India is a democratic nation and in a democracy, Right to Assemble and Protest is guaranteed and the only restriction envisaged is when the public order is impacted, under sub-Article(2) of Article 19 of the Constitution of India. It is, accordingly, argued that when it is not a case of disturbance of public order and at best a case of law and order, the political protest conducted peacefully without any criminal intent or element against the then political dispensation in the State, cannot be muzzled by invocation of penal provisions.

5. Issue notice, returnable in six weeks.

6. In the meantime, operation of the impugned order dated

06.02.2024 and further proceedings in the CC No.12763/2023 qua the petitioners, are stayed.

(VARSHA MENDIRATTA)  
COURT MASTER (SH)

(KAMLESH RAWAT)  
ASSISTANT REGISTRAR