

CHIEF JUSTICE AND KRISHNA S DIXIT	05/12/2023	<p>Vide order dated 01.12.2023, this Court took cognizance of the cause suo motu on the basis of a representation and this petition in PIL jurisdiction came to be registered. Paragraphs 1, 2, 5 & 6 of the said order read as under on behalf of the Advocates' Association, Bengaluru today at 12.30 p.m. to the office of the Hon'ble Chief Justice. A suo motu writ petition is initiated by this Court on the backdrop of the incident which took place on 30.11.2023. The learned Advocate requested to seek necessary instructions and to provide his feedback to this Court at 2.30 p.m. 2. The learned Advocate furnished information from the Police Department within a short period, filed a memo before this Court giving brief details of the incident. It is stated in the status report annexed to the said memo that the statement of the victim lawyer was registered for the offences punishable under Sections 506, 341, 307, 324, 326 and 504 read with 149 of IPC at the Police Station. It is further stated that considering the seriousness of the matter, six Police Officers of the said Police Station, four are Police Constables and one other is Sub-Inspector of Police, have been kept under suspension vide Order dated 01.12.2023. The President, Advocates' Association, Bengaluru, who is presently on visit to Chikkamagaluru, has appeared before this Court and made suggestions. He informed us that lawyers are aggrieved and protesting against the incident in Chikkamagaluru. The Advocate General is personally looking into the matter in co-operation with high functionaries of the Police Department. The Advocate General has taken extreme steps such as, abstaining from Court proceedings. To this, Sri Vivek Subba Reddy assured that he will take the necessary steps. The Bar Association and request them to attend the Court work at the earliest. This is really appreciable. 6. As the matter will be taken by the police within the shortest possible time, we adjourn this petition to file "further action report". 7. The learned Senior Advocate Mr. K N Phaneendra who represents the Impleading Applicant viz., the Chikkamagaluru Bar Association, Sri Vivek Subba Reddy who as President, represents Advocates' Association -Bengaluru, learned Senior Advocate Mr. D. N. Prasad who represents a section of the police staff at Chikkamagaluru allegedly going on strike and the videographs/photographs showing the police staff share the same anguish, the strict discipline being the first requirement of the Police Force; otherwise, it would be difficult to say that the matter of the police staff has allegedly done is absolutely unacceptable to this Court and to the civil society, to say that the matter is being looked into seriously by higher-ups in the Department, we do not, at this stage of the proceedings, adjourn the matter. The Advocate General has filed a Memo dated 05.12.2023 along with copies of a bunch of records. The Fax Message dated 05.12.2023 to the Police (Law & Order) with the approval of DG & IGP of the State shows that the five Crimes registered by the CID, Bengaluru and accordingly the files are being transferred to it. When attention is given to the said Fax Message, learned Advocate General, on instructions from the State officials, submits in all fairness that the CID would investigate the matter on its own and independently of what has been done by the Advocate General assures that this investigation would be supervised and monitored by the Deputy Inspector General of Police before long. This is appreciable since it boosts the level of confidence of the aggrieved reposed in the State and the Bar particularly at Chikkamagaluru and around, would immediately resume their court work. It hardly comes as a surprise consistent with the observations of the Apex Court in a catena of decisions and therefore merits a deep appreciation. A submission was made that the officials of Chikkamagaluru P.S. involved in the alleged incident should be inquired. However, it is a matter pertaining to the domain of Investigating Agency, as reiterated by the Apex Court in the case of State of UTTAR PRADESH, AIR 2012 SC 1515 and therefore restraint in this regard is warranted. Much is not necessary to be done in addition to what the CID is going to do in the matter. In our considered opinion, a meeting of all stakeholders should gather at one place to discuss the matter and generate a congenial atmosphere and a report to be submitted to the District administration. In that direction, we constitute a High Level Committee comprising of the following members: (i) The Advocate General, Karnataka, namely, Mr. Shashikiran Shetty, Bengaluru, (ii) The Principal Secretary, Department of Home Government, Bengaluru & Inspector General of Police, Police Headquarters, Bengaluru or any of his nominee, not below the rank of In-charge of Senior Advocate & former Advocate General for the State of Karnataka, (v) Mr. Jayakumar S Patil, Senior Advocate, Bengaluru, (vi) Mr. K N Phaneendra, Senior Advocate, (vii) Mr. Vivek Subba Reddy, President of Advocates' Association-Bengaluru, (viii) The President of Chikkamagaluru Bar Association. 6. The Committee shall hold meeting in the Office of the Advocate General, Bengaluru, on Saturday, the 09.12.2023 at 11.00 a.m. and suggest means & ways to achieve enhancement of amiability between the Law & Order Agency of the State. The Committee shall also submit Recommendation for preventing such incidents between stakeholders, in the best interest of the public at large. The proceedings of the Committee be shared with the Advocate General, that, the same may prove to be profitable inputs for the adjudication of the issues that are being debated in this matter.</p>
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