

13.06.2023

Complt.,by - V.K.,
A.1 to 4 by -
For Orders.

ORDER

01. This Private Complaint is filed by the complainant under section 200 of Code of Criminal Procedure ('Cr.P.C.' for short) against the accused No.1 to 4 praying for an order to take cognizance of the offence under section 499 and 500 of IPC and to issue process to the accused No.1 to 4.

02. In the complaint, it is stated that the complainant is a largest political party and it is duly represented by its Secretary vide authorization dated: 05-05-2023. The complainant has been led by a powerful world leader Sri.Narendra Modi, the Prime Minister of India. The complainant came into power in the Year-2019 and has successfully led the Government till 2023. As a result of its wide popularity,

it is highly respected and the people of Karnataka follow this political party with all enthusiasm, faith and dedication.

03. It is further stated that the accused No.1, Indian National Congress, is a political party in Karnataka, the accused No.2 is the President of Karnataka Pradesh Congress Committee, the accused No.3 is the leader of Opposition in the Congress Party on the floor of the Karnataka Legislative Assembly and in control of the Opposition Party in Karnataka and the accused No.4 is the former Vice President of the Indian National Congress. All the accused No.1 to 4 are aware that they hold responsible positions of immense importance in the Congress Political Party in Karnataka and in India. The accused No.1 to 4 are also aware that they should not make any false, frivolous, or reckless statements against any political parties.

04. It is further stated that as a President of a political party, the accused No.2 has resorted to the most mean and cheap tactics by causing the advertisement on 05-05-2023 in all mainstream newspapers by making reckless imputations regarding the complainant party. The accused No.1 to 4 have all conspired and planned to defame the complainant by levelling false allegations. By virtue of the paper advertisement dated:05-05-2023 published in

mainstream newspapers like Vijaya Karnataka, Deccan Herald etc., and in all other mainstream newspapers has made these baseless, foundation-less and irrational allegations against the complainant. In the fake advertisement dated:05-05-2023 false and reckless allegations are made under the title "Corruption Rate card" based on the fanciful imagination of the accused No.1 to 4. These statements made in the newspapers publications on the 1st page of all the newspapers mentioned above are purely imaginary and fictitious.

05. It is further stated that the accused No.1 to 4 have given rates under the name and styles of Appointment and Transfer Rates for various positions and have indicated KSDL 5cr-15cr, Engineers 1cr-5cr, Sub-Registrar 50 lakh-5cr, Bescom 1-cr, PSI 80 Lakh, Assistant Professor 50 lakh -70 lakh, Lecturer 30 lakh-50 lakh, FDA 30 Lakh and similarly, various prices have been mentioned for junior engineer, Bamul, PWD Junior engineer and constables. All these allegations are false and malicious made out of the fanciful imagination of the accused No.1 to 4. The accused No.1 to 4 have made allegations against the complainant under the name and style of Job Rates and have given various prices for the Jobs of BDA Commissioner, KPSC Chairman, DC and SP, VC, AC and Tahsildar. In the advertisement, the accused No.1 to 4 have openly suggested, as part of their acts of

criminal defamation in the advertisement dated:05-05-2023 and the suggestion made with regard to prices mentioned with regard to each post is that each of the post is being sold at the rate which is mentioned in the newspaper advertisement.

06. It is further stated that they have stated that the Covid supplies department has 70% commission. The false statements and false accusations have been made regarding various other departments such as covid supplies, PWD contracts, mutt grants, procurement, egg supplies, road contracts and commissions are mentioned as percentage between 75-30%. At the end of the publication dated:05-05-2023 and in the newspapers such as "Hindu, Indian Express, Times of India, Vijayawani, Vijayakarnataka and various other daily newspapers, it has been stated that 40% sarkar has looted over 1,50,000.00 crores from the people of Karnataka in the last 4-Years. It is clear that by giving the date line above, i.e., 2019-2023, the accused No.1 to 4 are hinting that the complainant's Sarkar has indulged in this corruption. The accused No.1 to 4 have resorted to this mass attempt to defame the complainant.

07. It is further stated that the use of the word "trouble engine Sarkar" in the name of widely popular "double engine Sarkar" which is meant to show Central and State sarkars of the complainant and the

indication of the tenure 2019-2023 are all indications that it is meant to malign the name and reputation of the complainant as political party and to affect its chances in the elections are paralyzed. The final ending portion of the advertisement shows the images of accused No.2 and accused No.3 and seeks votes for congress, this shows that both the accused No.2 and accused No.3 are directly responsible for all the bogus and false statements in the advertisement. It is further stated that as soon as this advertisement was published, accused No.4-Sri.Rahul Gandhi, who is actively propagating in the upcoming Assembly Election or a Congress Worker/functionary, has also put up this advertisement in his twitter account and expressed directly that this is meant to the complainant which is in position in Karnataka. It is stated that the accused No.4 has given instructions to issue such a bogus advertisement affecting and prejudicing the rights of the complainant.

08. It is further stated that, having no other alternative, a legal notice dated 06-05-2023 was issued calling upon the accused No.1 to 4 to withdraw all the allegations. Despite service of the legal notice the accused persons did not comply with the demands made in the said notice. Hence, on these allegations, the complainant prayed to take cognizance of the offence under section 499 and 500 of IPC against the accused persons.

09. Along with this Private Complaint, the complainant has also produced the documents i.e., the copy of the letter of authorization, copy of the letter issued by the Governor of Karnataka, press release issued by Press Information Bureau, news papers, office copy of the legal notice, delivery receipts and postal receipts and list of witnesses.

10. After having heard the arguments of the Lrd. Counsel for the complainant and also on perusal of the averments made in the complaint and the documents produced, I am satisfied that the complainant has made out a prima - facie case to take cognizance of the offences under section 499 and 500 of IPC and to proceed further. Accordingly, I proceed to pass the following:-

ORDER

Cognizance is taken of the offence under section 499 and 500 of I.P.C against accused No.1 to 4.

The case is posted for Sworn Statement of the complainant and witness if any, by: 27-07-2023.

(PREETH. J)

XLII Addl. CMM

(Spl. Court for trial of cases filed against sitting as well as former MPs/MLAs, triable by the Magistrate in the State of Karnataka)

