

**RECORD OF PROCEEDINGS**

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## PROFORMA FOR FIRST LISTING

## SECTION-

Central Act: (Title): Constitution of India

Central Rule: (Title): 32

Rule No(s): N.A

State Act: (Title): N.A

Section: N.A

State Rule: (Title): N.A

Rule No(s): N.A

Impugned Interim Order: (Date): N.A

Impugned Final Order/Decree: (Date): N.A

High Court: N.A

Name of Judges: N.A

Tribunal/Authority: (Name): N.A.

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1. Nature of matter: Criminal

2. (a) Petitioner/appellant No. 1: BALRAM CHOUDHARY

(b) Email-Id: N.A.

(c) Mobile phone number: N.A.

3. (a) Respondent No. 1: STATE OF KARNATAKA

(b) Email Id: N.A

(c) Mobile phone number: N.A

4. (a) Main Category Classification: 1300 Habeas Corpus Matters

(b) Sub classification: N.A

5. Not to be listed before: N/A

6. (a) Similar disposed of matter with citation, if any, & case

details: No similar matter DISPOSED OFF

6 (b) Similar pending matter with case details: No similar matter Pending

7. Criminal Matters: N.A.

- (a) Whether accused/convict has surrendered: No.
- (b) FIR No.: N.A.
- (c) Police Station: N.A.
- (d) Sentence Awarded: N.A.
- (e) Period of Sentence Undergone including period of detention/Custody undergone: N.A.

8. Land Acquisition Matters:

- (a) Date of Section 4 Notification: N.A
- (b) Date of Section 6 Notification: N.A
- (c) Date of Section 17 Notification: N.A

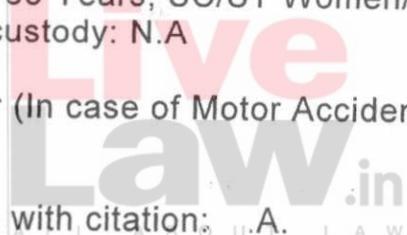
9. Tax Matters: State the tax effect: N.A

10. Senior Citizen 65 Years, SC/ST Women/Child Disabled Legal Aid Case In custody: N.A

11. Vehicle Number (In case of Motor Accident Claim Matters): N.A

12. Decided cases with citation: N.A

Date: 17.03.2020



*Leaf*

**(VKC LAW OFFICES)**  
 Advocate-on-Record for the Petitioner  
 Code No ~~333~~ 2849  
 Mob. No.0981185171

**SYNOPSIS**

That the Petitioner has filed the present writ petition seeking the release of Mr. Manoj Choudhary (hereinafter 'Detenue') from illegal detention. That the Detenue aged 46 years is currently in detention at a resort in Bangaluru, Karnataka. That the Petitioner is the brother and is the next close friend of the Detenue, Mr. Manoj Choudhary, who is unable to file the present Petition on account of being held in detention.

That the Detenue is being forcefully held captive under the clout of the State of Ruling party with the aid and help of the Police Authorities of the State of Karnataka, completely against his free will and consent.

That the Detenue Mr. Manoj Choudhary, who is also a MLA from Hatpipliya in Madhya Pradesh was abducted on 09.03.2020 from his residence in Dewas, Madhya Pradesh. That after various attempts to find the whereabouts of the Petitioner's brother, it was later learnt from various media & newspaper reports that the members of the Bhartiya Janata Party have abducted Mr. Manoj Choudhary along-with other MLAs of the State of Madhya Pradesh, have taken them on a private airplane booked by the BJP and have held them in captivity, against their free will, at a private resort in Bengaluru, Karnataka (hereinafter referred to as 'Resort'). It is submitted that the Petitioner apprehends that the Detenue may be shifted to any other place in detention.

That the Petitioner along-with his father Mr. Narayan Singh Choudhary and Mr. Jitu Patwari, Minister, Government of Madhya Pradesh reached the said resort in Bengaluru on 11.03.2020, where Mr. Manoj Choudhary along-with some other MLAs of State of Madhya Pradesh were kept in captivity by the members of the State's ruling party.

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However, the State Police force present at the resort manhandled and abused the Petitioner, Mr. Jitu Patwari and the Petitioner's elderly father while forcibly restraining them to meet the Detenue. Thereafter, the Petitioner, Mr. Patwari and Petitioner's father were taken into custody by the Police personnel present at the spot and taken to a nearby Police Station. That at the Police station the Petitioner and people accompanying him were threatened with filing of criminal cases in case if they continued to demand for the Detenue's release.

Consequently, the Petitioner, his father Mr. Narayan Singh Choudhary and Mr. Jitu Patwari met the Director General and Inspector General of Police of the State of Karnataka and submitted a representation dated 12.03.2020 seeking to meet detained MLA Mr. Manoj Choudhary and also sought his release. However, the Director General and Inspector General of Police of the State of Karnataka has not taken any step in that regard till date.

It is submitted that the Detenue is not being allowed to leave the premises at Bengaluru and is being deprived of his liberty and expression of choice thereby leading to the violation of his rights under Article 19 and 21 of the Constitution. The detention of the Detenue is completely unwarranted, illegal and without any authority. That there exist no order or directions of any competent authority to keep the Petitioner's brother in detention by the members of the State's ruling party.

That the Detenue has been kept in illegal detention under threat, coercion and force by the ruling party in State of Karnataka by misusing the State machinery as the Respondent Police Department is acting at the behest of ruling party in the State of Karnataka to illegally detain the Detenue and other MLAs against their will.

The sole motive behind the illegal and forceful detention of the detenue and other MLAs by the ruling party in the State of Karnataka is to skew the number of MLAs in the Legislative Assembly of Madhya Pradesh and call for a floor test,

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thereby trying to topple a democratically elected government by abuse of official machinery and power.

That in light of the present facts and circumstances, the Petitioner is left with no other remedy but to file the present Petition and seek intervention of this Hon'ble Court under Article 32 of the Constitution in order to protect the Detenue's his fundamental rights.

### LIST OF DATES

<u>DATE</u>	<u>PARTICULARS</u>
09.03.2020	That on 09.03.2020 MLA Mr. Manoj Choudhary was abducted at his residence in Dewas, Madhya Pradesh. That being concerned about the whereabouts his younger brother, who is also an MLA from Hatpipliya Constituency in Madhya Pradesh, the Petitioner made several attempts to reach out to him.
11.03.2020	That upon receipt of above information through media & newspaper reports, the Petitioner along-with his father Mr. Narayan Singh Choudhary and Mr. Jitu Patwari, Minister, Government of Madhya Pradesh reached a resort in Bengaluru on 11.03.2020, where the Petitioner's brother Mr. Manoj Choudhary along-with some other MLAs of State of Madhya Pradesh were forcefully kept in captivity by the members of the BJP and State Police force of State of Karnataka.
12.03.2020	That as soon as the Petitioner along-with his father & cousin reached the respective resort, the State Police force present at the resort, manhandled and abused him and his elderly father. When the Petitioner persisted with the request for release of his brother MLA Mr. Manoj Choudhary, they were taken in custody to nearby Police Station in Bengaluru. That the Petitioner and his father were criminally intimidated and threatened by the State Police with registration of various criminal cases in

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case they persist in meeting or the release of the abducted brother of the Petitioner.

A copy of the newspaper report dated 12.03.2020 covering the entire above incident is marked and annexed herewith as Annexure P-1 (Page to 14)

Thereafter, the Petitioner, his father Mr. Narayan Singh Choudhary and Mr. Jitu Patwari met the Director General and Inspector General of Police of the State of Karnataka and submitted a representation dated 12.03.2020 seeking to meet detained MLA Mr. Manoj Choudhary and also sought his release.

A copy of the representation dated 12.03.2020 filed by Mr. Narayan Singh Choudhary is marked and annexed herewith as Annexure P-2. (Page 15 to 16)

13.03.2020

That the Hon'ble Chief Minister of the State addressed a letter to the Hon'ble Governor, State of Madhya Pradesh seeking the release of MLAs including the Detenu.

A copy of letter dated 13.03.2020 written by the Hon'ble Chief Minister, MP to Hon'ble Governor, MP is marked and annexed herewith as Annexure P-3. (Page 16 to 18)

15.03.2020

That it is in public domain that the Hon'ble Chief Minister of the State addressed a letter to the Hon'ble Union Home Minister seeking the release of MLAs including the Detenu being held captive in Bengaluru, Karnataka.

A copy of News article reporting about Letter dated 15.03.2020 addressed to the Union Home Minister is marked and annexed herewith as Annexure -4. (Page 19 to 20)

17.03.2020

Hence the present writ petition under Article 32 of the Constitution seeking writ of Habeas Corpus.

IN THE SUPREME COURT OF INDIA

(ORIGINAL WRIT JURISDICTION)

WRIT PETITION (C.R.P.) NO. \_\_\_\_\_ 2020  
(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF:

...PETITIONER

Versus

1. STATE OF KARNATAKA  
THROUGH CHIEF SECRETARY,  
GOVERNMENT OF  
KARNATAKA, ROOM NO. 320,  
3RD FLOOR, VIDHANA SOUDHA  
BENGALURU 560001

... RESPONDENT NO.1

2. DIRECTOR GENERAL AND  
INSPECTOR GENERAL OF POLICE,  
STATE OF KARNATAKA  
DG & IGP OFFICE NO.1,  
NRUPATUNGA ROAD BANGALURU  
- 560001

... RESPONDENT NO.2

3. STATE OF MADHYA PRADESH,  
THROUGH CHIEF SECRETARY,  
GOVERNMENT OF MADHYA  
PRADESH MP MANTRALAYA,  
VALLABH BHAVAN BHOPAL -  
462004

...RESPONDENT NO. 3

4. DIRECTOR GENERAL OF POLICE,  
STATE OF MADHYA PRADESH,  
POLICE HEADQUARTERS, SWAMI  
DAYANAND NAGAR,  
JAHANGIRABAD, CITY-BHOPAL,  
PINCODE-

... RESPONDENT NO.4

5. GOVERNOR,  
STATE OF MADHYA PRADESH  
RAJ BHAVAN, ROSHANPURA  
ROAD, ROSHAN PURA SQUARE,  
MALVIYA NAGAR, BHOPAL,  
MADHYA PRADESH 462003

... RESPONDENT NO.5

**WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA  
SEEKING APPROPRIATE HABEAS CORPUS / DIRECTION AGAINST THE  
RESPONDENT**

TO  
HON'BLE THE CHIEF JUSTICE OF INDIA AND OTHER  
COMPANION JUSTICES OF THE HON'BLE SUPREME  
COURT OF INDIA

THE HUMBLE WRIT PETITION OF THE PETITIONER  
ABOVENAMED

**MOST RESPECTFULLY SHOWETH:**

1. That the Petitioner has filed the present *habeas corpus* petition seeking the release of Mr. Manoj Choudhary (hereinafter 'detenue') from illegal detention. That the detenue aged 46 years is currently in detention at a resort in Bangaluru, Karnataka. That the Petitioner is the brother and is the next close friend of the Petitioner, Mr. Manoj Choudhary, who is unable to file the present Petition on account of being held in detention.
2. That the petitioner has not filed any other similar petition before this Hon'ble Court or before Hon'ble Supreme Court of India or any other Hon'ble Court seeking similar relief.
3. That the Petitioner's brother MLA Mr. Manoj Choudhary was abducted on 09.03.2020 from his residence in Dewas, Madhya Pradesh. That being concerned about the whereabouts his younger brother, the Petitioner made attempts to reach out to Manoj Choudhary, MLA from Hatpipliya. However, the Petitioner was unable to have any contact with his brother.

4. That after various attempts to find the whereabouts of the Petitioner's brother, it was later learnt from various media & newspaper reports that the members of the Bhartiya Janata Party have abducted Mr. Manoj Choudhary along-with other MLAs of the State of Madhya Pradesh, taken them on a private airplane and have holed them in captivity, against their will, at a private resort in Bengaluru, Karnataka (hereinafter referred to as 'Resort'). It is submitted that the Petitioner apprehends that the Detenuue may be shifted to any other place in detention.
5. That upon receipt of above information through media & newspaper reports, the Petitioner along-with his father Mr. Narayan Singh Choudhary and Mr. Jitu Patwari, Minister, Government of Madhya Pradesh reached the concerned resort in Bengaluru on 11.03.2020, where Mr. Manoj Choudhary along-with some other MLAs of State of Madhya Pradesh were kept in captivity by the members of the BJP and State Police force of State of Karnataka.
6. That as soon as the Petitioner along-with his father & cousin and supporters reached the respective resort, the State Police force present at the resort, manhandled and abused them and his elderly father. When the Petitioner persisted with the request for release of his brother MLA Mr. Manoj Choudhary, they were forcefully taken in custody to nearby Police Station in Bengaluru. That the Petitioner and his father were criminally intimidated and threatened by the State Police with registration of various criminal cases in case they persist in meeting or demanding the release of the abducted real brother of the Petitioner. The Petitioner along-with his father & cousin were subsequently released by the State Police on the same day. A copy of the newspaper report dated 12.03.2020 covering the entire above incident is marked and annexed herewith as **Annexure-1**.

- 7. Thereafter, the Petitioner, his father Mr. Narayan Singh Choudhary and Mr. Jitu Patwari met the Director General and Inspector General of Police of the State of Karnataka and submitted a representation dated 12.03.2020 seeking to meet detained MLA Mr. Manoj Choudhary and also sought his release. A copy of the representation dated 12.03.2020 subby Mr. Narayan Singh Choudhary is marked and annexed herewith as **Annexure-2**.
- 8. However, it is imperative to submit that the DG & IGP of the State has failed to take any action on the said representation till date.
- 9. That the Hon'ble Chief Minister of the State addressed a letter to the Hon'ble Governor, State of Madhya Pradesh seeking the release of MLAs including the Detenu.
- 10. A copy of letter dated 13.03.2020 written by the Hon'ble Chief Minister, MP to Hon'ble Governor, MP is marked and annexed herewith as **Annexure - P 3**.
- 11. That it is in public domain that the Hon'ble Chief Minister of the State addressed a letter to the Hon'ble Union Home Minister seeking the release of MLAs including the Detenu being held captive in Bengaluru, Karnataka. That the Hon'ble Chief Minister requested that all the MLAs under illegal detention be released forthwith and also assured to provide adequate security to the said MLAs including Detenu.  
A copy of News article reporting about Letter dated 15.03.2020 addressed to the Union Home Minister is marked and annexed herewith as **Annexure-P -4**.
- 12. It is urgent that this Hon'ble Court intervne and have her released from detention so that he can immediately leave the resort where has been held captive and resume his duties as a Member of Legislative Assembly in Madhya Pradesh.



13. That the Petitioner is seeking release of the Detenue on the following grounds and also craves leave of this Hon'ble Court to raise and take additional grounds at the time of arguments.

#### GROUNDS

14. Because Detenue is not allowed to leave the premises at which he is being held captive at Bengaluru, thus, being deprived of his liberty and expression of choice thereby leading to the violation of his rights under Article 19 and 21 of the Constitution of India (hereinafter referred to as 'the Constitution').
15. Because the captivity of the Detenue is completely unwarranted, illegal and without any authority. That there exists no order or directions of any competent authority to keep the Petitioner's brother in captivity.
16. Because the Detenue has been kept in captivity and under a forced and illegal detention completely against his free will in order to curtail from exercising his fundamental rights envisaged under the constitution and prevent him to discharge his solemn duties as a Member of Legislative Assembly.
17. Because the Respondent Police Department is acting at the behest of ruling party in the State of Karnataka to illegally detain the Detenue and other MLAs against their will.
18. Because the Respondent has not been allowed to contact the Petitioner, his father or any other relative and has excumincado since over a week.
19. Because the Petitioner, his elderly father and cousin were manhandled and taken into detention by the Respondent Police Department of Karnataka and prevented from speaking or meeting the Detenue.

20. Because the Petitioner's father has also approached the DG & IGP of the Respondent State of Karnataka by way of a representation seeking the release of the Detenu. However, no action has been taken in that regard the DG & IGP, Karnataka, constraining the Petitioner to seek intervention of this Hon'ble Court under Article 32 of the Constitution.
21. Because the Petitioner's brother Mr. Manoj Choudhary is not voluntarily staying at the Resort in Bengaluru and is not being allowed to meet his family members and come back to Madhya Pradesh by the Police machinery.
22. Because the Petitioner's brother, against his will, has been held captive under threat, coercion and force by the ruling party in State of Karnataka by misusing the State machinery in order to prevent him to discharge his solemn duties as a Member of Legislative Assembly.
23. That the Petitioner's brother, a public representative, has been held captive against his will by illegal means for over a week thereby completely depriving him of discharging his duties as a Member of Legislative Assembly.
24. Because as per media reports it is believed that the concerned MLA along-with others are currently being held as hostage by the members of the Bhartiya Janata Party (BJP) in a resort in Bengaluru in the State of Karnataka, where BJP is a ruling party. The Petitioner has been trying to reach out to his brother Manoj Choudhary who has been abducted by the members of the BJP along-with other MLAs and kept at a resort in Bengaluru. Since, it is absolutely clear that the MLAs are held in captivity by the members of BJP, the floor test of the Madhya Pradesh Assembly cannot take place without the presence of the MLAs.

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25. Because the Petitioner is seeking appropriate directions be issued to the concerned Respondents to release the Detenue along with other detained MLAs from captivity.
26. Because the party in Opposition in Madhya Pradesh Legislative assembly being the ruling party in the State of Karnataka has filed a Writ Petition before this Hon'ble Court, being W.P(C) 439/2020 titled 'Shivraj Singh Chouhan v. Speaker, Legislative Assembly of Madhya Pradesh' seeking directions to order floor test in the Madhya Pradesh Legislative Assembly despite the fact that some of the Members of the Legislative Assembly, including the Petitioner's brother are currently being illegally holed up in captivity by the members of the Bhartiya Janata Party by abusing the State machinery and in such a scenario floor test of the Madhya Pradesh Legislative Assembly without the physical presence of these members would be undemocratic & unconstitutional.
27. Because the entire purpose of the illegal and forceful detention of the Detenue and other MLAs is to skew the number of MLAs in the Legislative Assembly and call for a floor test, thereby trying to topple a democratically elected government by abuse of official machinery and power.
28. Because by coercing the MLAs into resignation, the Bhartiya Janata Party is attempting to scuttle the democratic process by toppling the present coalition government of State of Madhya Pradesh.
29. Because purported resignation of the MLAs including the Detenue has not been accepted by the Speaker of the Madhya Pradesh Legislative Assembly as there are widespread apprehensions that some MLAs have purportedly resigned from assembly under threat, coercion and force and are not able to voice out the same in open as they are currently being held in captivity.

30. Because it would be undemocratic and unconstitutional to conduct the floor test if the MLAs who are being held in captivity are not released prior to floor test. In view whereof, the Petitioner requests the Hon'ble Supreme Court to issue appropriate directions for production and presence of all the MLAs including the Detenue before the Madhya Pradesh Legislative Assembly and conduct the floor test only thereafter.
31. Because it is settled law laid down by this Hon'ble Court that 33rd constitutional amendment requires acceptance of resignation by the Speaker. Merely addressing a resignation letter to the Speaker would not lead to the seat automatically falling vacant. The Speaker has to accept the resignation only if it is voluntary and genuine.
32. Because, the Speaker can reject the resignation of an MLA if such resignation is not voluntary and genuine. In fact, the Hon'ble Supreme Court has clearly held that it is the duty of the Speaker to reject the resignation of the MLAs if the resignation is the result of coercion, threat or force. In view whereof, the presence of all the MLAs before the Madhya Pradesh Legislative Assembly is mandatory before allowing floor test.
33. Because presence of Detenue and other MLAs is material to testing the strength of the Government and in absence of Detenue and other MLAs any floor test would be undemocratic and tainted.
34. Because this Hon'ble Court in *Gian Devi v. The Superintendent, NariNikaten, Delhi, Ors.*; 1976 (3) SCC 234, three-judge Bench observed that where an individual is over eighteen years of age, no fetters could be placed on her choice on where to reside or about the person with whom she could stay:

*"...Whatever may be the date of birth of the Petitioner, the fact remains that she is at present more than 18 years of age. As*

*the Petitioner is sui juris no fetters can be placed upon her choice of the person with whom she is to stay, nor can any restriction be imposed regarding the place where she should stay. The court or the relatives of the Petitioner can also not substitute their opinion or preference for that of the Petitioner in such a matter."*

35. That the Petitioner has no alternate or efficacious remedy against the illegal detention of the Detenue and is therefore, constrained to move before this Hon'ble Court under Article 32 of the Constitution.
36. That the petitioner has not filed any other similar petition before this Hon'ble Court or before Hon'ble Supreme Court of India or any other Hon'ble Court seeking similar relief.

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In view of the aforementioned facts and circumstances of the present case, the petitioner most respectfully pray that this Hon'ble Court may kindly be pleased to:-

- (a) issue a writ in the nature of habeas corpus or any other appropriate writ directing the Respondents to forthwith set the Detenue free from illegal detention at Bengaluru, Karnataka or any other place; and
- (b) issue a writ in the nature of habeas corpus or any other appropriate writ directing the Respondents to forthwith set the other MLAs free from illegal detention at Bengaluru, Karnataka or any other place; and
- (c) issue an appropriate writ directing the Respondents to forthwith provide security, protection and ensure the safety of Detenue & MLAs released from illegal detention, including their family members and place of dwelling for at least 7 days from the date of release; and

(d) issue such further and other order / orders as may be necessary and deemed fit and proper in the facts and circumstances of the case to sub serve the interest of justice;

AND FOR THIS ACT OF KINDESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY

DRAWN BY:

Crustey Pal Singh

SUBMITTED BY:

\_\_\_\_\_

FILED BY

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VKC LAW OFFICES  
ADVOCATE FOR THE PETITIONER

PLACE: NEW DELHI

DRAWN ON: .....

FILED ON: ...17.03.2020

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IN THE SUPREME COURT OF INDIA  
ORIGINAL CRIMINAL JURISDICTION  
WRIT PETITION. (CRL.) \_\_\_\_\_ OF 2020  
[UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA]

IN THE MATTER OF:-

Balram Chaoudhary

...Petitioner

Versus

State of Karnataka

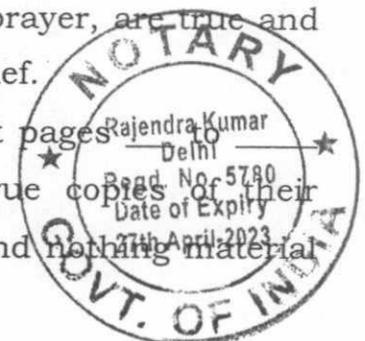
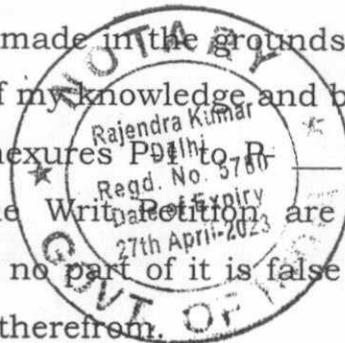
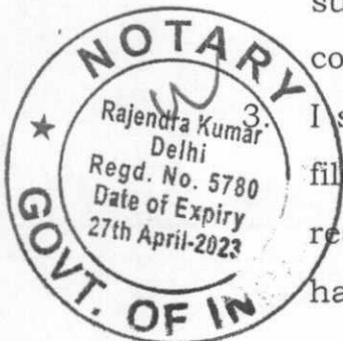
...Respondents

**AFFIDAVIT**

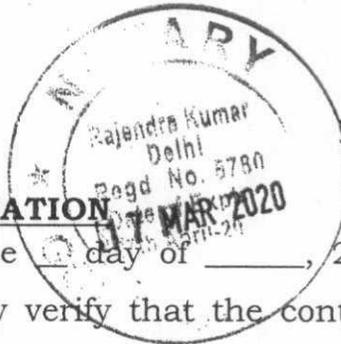
I,

presently at New Delhi, do hereby solemnly affirm and declare on oath as under:-

1. That I am Petitioner herein in the aforesaid matter and I am fully acquainted with the facts and circumstances of the case and as such I am competent to swear this affidavit. That the Petitioner's Brother Mr. Manoj Choudhary is in illegal detention / custody at Bengaluru, Karnataka and is therefore, unable to file the present Petition himself. The Petitioner, being the brother / next friend of Mr. Manoj Choudhary is making the present Affidavit on his behalf
  2. I state that I have read and understood the contents of the Synopsis & List of Dates from pages B to E and the contents of Writ Petition from pages 1 to 512, and the accompanying I.A.(s), which have been drafted under my instructions and I state that the facts stated therein are true to the best of my knowledge and information, based on records and the submissions of law made in the grounds, prayer, are true and correct to the best of my knowledge and belief.
- I state that the Annexures P to R filed along with the Writ Petition are true copies of their respective originals, no part of it is false and nothing material has been concealed therefrom.



**DELHI**



*[Handwritten signature]*

**DEPONENT**

**VERIFICATION**

Verified at \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_, 2020. I, the above-named deponent, do hereby verify that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed therefrom.

**DEPONENT**

**ATTESTED** *[Handwritten signature]*

RAJENDRA KUMAR  
NOTARY, DELHI-R-5780  
GOVERNMENT OF INDIA  
SUPREME COURT OF INDIA  
COMPOUND, NEW DELHI  
Register Pg./Sl. No. ....

9899448209

**17 MAR 2020**



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CERTIFIED THAT THE CONTENTS EXPLAINED TO THE DEPONENT EXECUTIVE WHO SEEMED PERFECT TO UNDERSTAND & AFFIRMED AS USED BEFORE ME AT DELHI ON..... IDENTIFIED BY  
IDENTIFY THE EXECUTIVE / DEPONENT WHO HAS SIGNED IN MY PRESENCE

**IDENTIFIED**

Printed from THE TIMES OF INDIA

# High drama at Bengaluru resort as Congress MP minister arrested for trying to 'meet' his estranged colleagues

TNN | Mar 12, 2020, 08.40 PM IST



BENGALURU: With the Madhya Pradesh Congress government tithering on the brink of collapse, high drama ensued at a private resort on the outskirts of Bengaluru with MP minister Jitu Patwari and 10 others tried to barge into the resort to meet their “estranged” colleagues who have submitted their resignations along with turncoat Jyotiraditya Scindia.

Patwari, who had come with the father one of the MLAs— Manoj Choudhary— was videographed as trying to push his way into the resort but prevented by Yelahanka ACP and a police team.

Patwari later claimed that Choudhary was his cousin and he was there to meet his brother along with his uncle.

The ensuing suffle saw Patwari getting agitated while the police also manhandled and rush him off the premises.

The video suggested the police asking Patwari to vacate the premises as the rebels had given a letter in writing to the Bengaluru police to not allow any one to meet them.

Confirming this, city police commissioner Bhaskar Rao told TOI they in fact arrested Patwari under section of Indian Penal Code 353—Assault or Criminal Force to Deter Public Servant from Discharging his Duty-.

“The MLAs from Madhya Pradesh had given a written requisition saying some politicians from their home state were flying down to meet them and they don’t want to meet anyone. Accordingly, we had set up police force outside the place. Jitu Patwari not only tried to force enter, but also manhandled police officials trying to stop him,” he said.

Soon after Patwari along with newly appointed KPCC president and Congress troubleshooter D K Shivakumar held a press briefing claiming the city police was acting on behalf of the ruling party and not even allowing family members of the “kidnapped” legislators from MP.

“It is possible that a few people are trying to put a psychological pressure by putting forth the image of Jyothirao Aditya Scindia. But why are you (MLAs) trying to sacrifice the people’s mandate? I urge my family of Congress legislators to not fall into this trap of the BJP,” said Patwari.

Patwari was categoric in claiming that they were there only to meet the legislators and not to take them back.

“How can the two of us forcefully take them back?” questioned Patwari, adding the police were being used by the BJP to unlawfully confine the Congress legislators.

Shivakumar, at the other end, said he was not involved in any way in the MP political crisis and was only helping his “friends, leaders and colleagues” from the MP Congress.

Meanwhile, after a fortnight of being absent from the scene, the local unit of the youth Congress was pressed into action and protested in front of the private resort near Devanahalli.

The protest comes in the wake of the party high command appointing Shivakumar as the president on Wednesday.

To

Date: 12.03.2020

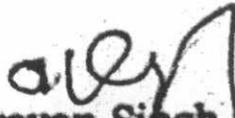
The Director General and  
Inspector General of Police  
Karnataka State

Dear Sir,

My self Manoj Choudhary along with Jeethu Patwari Minister, Govt. of Madhya Pradesh and Balaram Choudhary had come to Bangalore from Bhopal today to meet my son Manoj Choudhary MLA of Madhya Pradesh who was forcibly brought to Bangalore from some people and kept in the resort at Bangalore. Though my son wanted to meet us, he was not allowed by some local people said to be BJP member's threatened us and took us to the Local Police Station without any reason. As all of us have come from Madhya Pradesh to see my son, who is in the custody of the local People, I request you kindly provide necessary protection to us and allow us to meet my son without any further delay.

Thanking you,

You're sincerely

  
(Narayan Singh Choudhary)  
Camp Bangalore at  
Hotel Radission Blue

9425048231



**KAMAL NATH**  
CHIEF MINISTER  
MADHYA PRADESH

March 13, 2020

To,  
The Hon'ble Governor  
State of Madhya Pradesh  
RajBhawan, Bhopal

Subject: - Horse Trading of MLAs by the Bhartiya Janata Party.

Respected Sir,

I'm constrained to point out the immoral, unethical and illegal acts of Bhartiya Janata Party in Madhya Pradesh.

In the first attempt, on 3<sup>rd</sup>/4<sup>th</sup> of March 2020, the mid-night drama leading to whisking away to MLAs to Bengaluru is in public domain. The leaders of the Congress Party foiled the attempt of BJP to keep in captivity the MLAs by using both allurement and force.

Post failure of first attempt, the Bhartiya Janata Party, on 8<sup>th</sup> March 2020 arranged three chartered Aircrafts to whisk away 19 MLAs of the Congress Party to Bengaluru. Since, then these 19 MLAs, of whom Six MLAs are Cabinet Ministers, are Incommunicado in a resort arranged by BJP. Nobody is allowed access and/or any sort of communication with the 19 captive MLAs.

To utter shock, Senior Leaders of BJP reached the Speaker's residence at about 05:30 p.m. on 10<sup>th</sup> of March 2020 (day of Holi) to handover 19 resignation letters allegedly of these Congress MLAs. None of the 19 MLAs were present to tender resignation at Speaker's residence. In a most unusual act and/or conduct, the resignation of 19 Congress MLAs are submitted by leaders of BJP and not by MLAs themselves. This demonstrates the complicity of BJP leaders in the entire conspiracy and illegal actions.



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**KAMAL NATH**  
CHIEF MINISTER  
MADHYA PRADESH

It raises questions of Constitutional propriety and legislative procedure and transparency. The submission smacks of and is de hors the provisions of Constitution and the Legislative Rules in force for submission and acceptance of resignations of MLAs.

On 12<sup>th</sup> March 2020, two Cabinet Ministers of Madhya Pradesh namely Shri Jitu Patwari and Shri Lakhan Singh Yadav, along with Shri Narayan Singh Choudhary, father of Congress MLA Shri Manoj Choudhary, went to meet the captive MLA Shri Manoj Choudhary at Bengaluru, wherein all three of them have been manhandled by BJP goons as well as Karnataka State Police and were illegally detained. This is sheer mockery of Rule of Law, wherein the leaders of BJP have hatched a conspiracy of abducting the Congress MLAs to destabilize the duly constituted State Government. There are various pictures and videos of the said incidents.

In these disturbing circumstances, the very edifice of democracy is in danger. Trust of a transparent democratic process seems lost. It merits full investigation and enquiry, so that persons responsible for de-railing the democratic institutional process are exposed and punished.

Our commitment to democratic institutional process is unwavering. We expect the enquiry and investigation on the resignation letters submitted by BJP allegedly of the captive Congress MLAs, is acted upon and completed early. As a responsible leader of Indian National Congress, I invite and would welcome a Floor Test of my Government in the forthcoming Session of Madhya Pradesh Legislative Assembly already notified from 16<sup>th</sup> March 2020, on a date fixed by the Speaker. This is the minimum a Constitutional Authority, can offer to address the ongoing turmoil.



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**KAMAL NATH**  
CHIEF MINISTER  
MADHYA PRADESH

We assure the people of Madhya Pradesh that we will not leave any stone unturned to ensure triumph of democracy and the legislative process, to uphold the Constitution and the values enshrined therein.

We request Your Excellency may use your good office as Constitutional Head of the State with the Hon'ble Union Home Minister to ensure release of MLAs held in captivity in Bengaluru.

*With regards*

Yours sincerely,

  
(Kamal Nath)

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3/17/2020

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## Get Congress MLAs out of Bengaluru, will guarantee their security: Kamal Nath writes to Amit Shah

After 22 Congress rebel MLAs said they were unable to return to Bhopal due to security concerns, Madhya Pradesh CM Kamal Nath wrote to Home Minister Amit Shah and promised to provide them with security upon their return,

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Ravish Pal Singh  
Bhopal March 14, 2020 UPDATED: March 15, 2020 07:27 IST



Story in Audio

In the letter, Kamal Nath held the BJP responsible for the political turmoil in the state. (PTI file photo)

**A**s a political storm brews in Madhya Pradesh, Chief Minister Kamal Nath has written a letter to Home Minister Amit Shah demanding the rescue of the 22 MP MLAs.

After former Union minister Jyotiraditya Scindia quit the Congress, 22 party MLAs, including six ministers - most of them said to be his supporters - resigned from the assembly, pushing the Kamal Nath government in a major crisis. Out of 22 rebel MLAs, 19 are camping in Bengaluru.

Commenting on the crisis, Kamal Nath wrote to Amit Shah and said that the MLAs are demanding CRPF protection.

The rebel MLAs who have resigned from the Congress in support of former union minister Jyotiraditya Scindia have sent a letter to Madhya Pradesh Governor Lalji Tandon and demanded security. They sent an email to Tandon, saying they were unable to return to Bhopal due to security concerns, sources said.

In his letter to Home Minister Amit Shah, Kamal Nath said that as CM of the state it was his duty to ask for adequate security for the MLAs.

He said that if the 22 MLAs are rescued by the Karnataka Police, he will ensure they are provided security so that can meet the MP assembly speaker without any hesitation.

In the letter, Kamal Nath also held the BJP responsible for the political turmoil in the state.

He said that the entire episode started on March 3 and several videos and photos from the period show Congress MLAs with BJP leaders which indicates that it was a "conspiracy hatched by the BJP" and that their expenses in Bengaluru were being borne by the Karnataka unit of the BJP.

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On Friday, the 22 MLAs reached Bengaluru airport for flying back to Madhya Pradesh but dropped the plan at the last minute following a security scare at Bhopal where a large number of Congress and BJP workers clashed.

READ | [Madhya Pradesh: Rebel MLAs write to Governor Lalji Tandon, demand security](#)

READ | [MP govt in minority, hold trust vote on Sunday: BJP tells Governor](#)

WATCH | [Acts of BJP in MP immoral and illegal: Kamal Nath in letter to MP governor](#)

Story in  
Audio

SECTION.....

# IN THE SUPREME COURT OF INDIA

CIVIL/CRIMINAL/ORIGINAL/APPELLATE JURISDICTION

I.A. (CIVIL/CRL.) NO..... OF 2020

SPECIAL LEAVE PETITION (CIVIL/CRL) NO..... OF 2020

WRIT/TRANSFER PETITION (CIVIL/CRL) NO..... OF 2020

CIVIL/CRIMINAL APPEAL NO..... OF 2020

IN THE MATTER OF

DALRAM CHOUDHARY

PETITIONER (S)  
APPELLANT(S)

VERSUS

STATE OF KARNATAKA & ORS.

RESPONDENT(S)

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7	Vakalat namo			
8	Urgency Affidavit			
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10				
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