



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 23<sup>RD</sup> DAY OF SEPTEMBER, 2022**

**BEFORE**

**THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ**

**WRIT PETITION NO. 8524 OF 2019 (GM-RES)**



**BETWEEN:**

1. SRI. NARAYANA. B  
S/O L.T. BETTEGOWDA  
AGE: 65 YEARS  
OCC: AGRICULTURIST  
ADD: HONNALAGERE VILLAGE  
KASABA HOBLI, MADDUR TALUKA  
MANDYA DISTRICT
2. JAYACHANDRA BABU H N  
S/O NARAYANA.H.B  
OCC: SERVICE  
ADD: HONNALAGERE VILLAGE  
KASABA HOBLI, MADDUR TALUKA  
MANDYA DISTRICT

...PETITIONERS

(BY SRI. VENKATESH P. DALWAI, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA BY  
ASHOK NAGAR POLICE STATION  
BANGALORE-1  
REP. BY STATE PUBLIC PROSECUTOR
2. STATE OF KARNATAKA BY  
HALASURUGATE POLICE STATION  
BANGALORE-1  
REP. BY STATE PUBLIC PROSECUTOR

...RESPONDENTS

(BY SMT. NAMITHA MAHESH, HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI BY QUASHING THE ORDER DATED



20.03.2017 PASSED BY THE LEARNED 56<sup>TH</sup> ADDL. CITY CIVIL AND SESSIONS JUDGE AT BANGALORE IN CRIMINAL MISC NO. 2304/2013, PRODUCED AT ANNEXURE-K AND ALLOW THE APPLICATION AND ETC.

THIS WRIT PETITION, COMING ON FOR FURTHER HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

1. Sri.Venkatesh P.Dalwai, learned counsel for the petitioner would submit that the petitioner has expired and there is none to prosecute the above matter.
2. His submission is placed on record.
3. Though no relief can be granted to the petitioner as such, the issue raised by the Petitioner being of general importance, it would be required of this court to issue certain general directions.
4. The above matter having arisen out of a fake surety which had been created on the property of the petitioner and the said property having been brought to sale on account of default by the accused in the criminal matter, it is only then that the petitioner



came to know of the fake surety/security created on his property.

5. The learned AGA has been unable to point out the safeguards which are built in, in respect of collection of sureties except to state that any person could furnish photocopies of the documents to the value fixed by the Court while granting a bail, anticipatory bail or passing any such order and the said document would be taken on record as security.
6. I am of the considered opinion that the same is not sufficient enough a safeguard like that evidenced in the present case where the property belonging to a third party was provided as a surety. The several reports which have been filed indicate that this is not a stray occurrence, and that this kind of situation was arisen on several occasions which has also resulted in investigation and prosecution.
7. In view of the above, I am of the considered opinion that unless effective steps are taken, innocent third



parties could be put to great risk unwittingly and unknowingly. Hence, I am of the considered opinion that whenever any surety is furnished for a release of an accused on bail, the following steps shall be followed:

- 7.1. *Every solvency certificate should contain the signature of the issuing authority with name and designation stamp and date of issue, only original solvency certificates to be accepted.*
- 7.2. *The issuing authority should obtain the photograph, signature or clear Thumb Impression of the surety on the solvency certificate and attest the same.*
- 7.3. *The certificate to also be accompanied by a self attested copy of the Aadhar card of the surety.*
- 7.4. *The Employees who stand, as sureties shall be directed to produce a certificate of Identity and Salary from their Employer. It should contain the signature of the Employee duly attested by the Employer.*
- 7.5. *At the time of accepting the surety the signature/Thumb Impression of the surety be obtained on the solvency certificate or salary certificate to satisfy that the*



*solvency or salary certificate relates to the surety present in the court along with a photograph.*

7.6. *Each surety shall furnish his full name, father's name, age, occupation, and complete postal address to the court.*

7.7. *The sureties shall produce Bank Pass Books or Ration Cards. Aadhar Card or some other form of identity cards to establish their identity with reference to the particulars of the solvency certificate.*

7.8. *If surety is provided in the form of property, the details of the property to be cross checked by the concerned ministerial officer from the web-site of the revenue department, by using the BHOOMI or KAVERI software as may be required.*

7.9. *The Principal Secretary Revenue Department to make arrangement for providing of necessary training to all concerned as regards such verification. The Registrar (General), High Court of Karnataka is directed to coordinate with the Principal Secretary Revenue Department for doing needful.*

7.10. *The UIDAI to provide and equip all courts with necessary equipment and software to authenticate the identity of the surety using the Aadhar card.*



7.11. *In case of cash security the court shall satisfy that the accused has a permanent address and fixed abode and his presence can be easily secured, copies of Aadhar Card, Ration Card, Election ID etc., of the Accused to be collected.*

7.12. *The names and details of the sureties by noting down the crime number, name of the Police Station, name of the accused, the name and full particulars of the sureties to be maintained in the Case Information Software used by the Courts. The Registrar (Computers) and Central Projects Co-ordinator (CPC) to make available a module for all courts to maintain a register of Sureties, which would be common for all District Courts in the State of Karnataka.*

7.13. *Whenever a person were to stand as surety, the same to be cross checked with the database to verify if such person has stood surety earlier. The court should keep a watch on such persons who repeatedly come to stand as sureties.*

7.14. *The Presiding Officers of respective Courts should check the Register of Sureties to ensure proper maintenance on a monthly basis.*



7.15. *The Principal, District Judge and chief Judicial Magistrates shall inspect the Register of Sureties at the time of annual inspection and note their remarks by issuing suitable instructions in case of any deviation.*

7.16. *Registrar (General) is directed to issue necessary circulars to all courts handling criminal matters with prior approval of the Hon'ble Acting Chief Justice.*

8. With the above directions the petition stands disposed as abated on account of the death of the Petitioner.

**Sd/-  
JUDGE**

Prs\*