

ITEM NO.33

COURT NO.7

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL Diary No(s).17639/2023

(Arising out of impugned final judgment and order dated 30-03-2023 in EP No.1/2018 passed by the High Court Of Karnataka At Bengaluru)

PALANETHRAIAH G

Petitioner(s)

VERSUS

B. SURESH GOWDA & ORS.

Respondent(s)

(IA No.91776/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.91773/2023-STAY APPLICATION and IA No.91772/2023-PERMISSION TO FILE APPEAL)

Date : 11-12-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
 HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Mr. Abhishek Bharti, Adv.
 Ms. Aarti Mahto, Adv.
 Mr. Nitin Saluja, AOR
 Ms. Pranya Madan, Adv.

For Respondent(s) Ms. Nalina Mayegowda, Sr. Adv.
 Mr. Priyadarshi Banerjee, Adv.
 Mr. Akshay Mithanthaya, Adv.
 Ms. Anusha Reddy, Adv.
 Mr. Aarlin Moncy, Adv.
 Mr. Binish Kumar, Adv.
 Mr. Sujoy Chatterjee, AOR

Ms. Rashi Bansal, AOR

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

Heard Mr. Abhishek Bharti, learned counsel appearing for the appellant. The counsel would point out that the appellant is projected to have worked during election on behalf of the respondent No.2, D. C. Gowrishankaraswamy - the person who got elected from Tumkur road Assembly Constituency. The said election was challenged in the Election Petition No.1 of 2018 by one B. Suresh Gowda. The Election Petition was allowed

under the impugned judgment dated 30.03.2023 by the learned Judge. After declaring the election of the second respondent to be void, five persons were declared to have committed corrupt practice, in terms of the Section 99(1)(a)(ii) of the *Representation of Peoples Act, 1951*. The appellant was one of those five named to have committed corrupt practice during the election.

2. The learned counsel for the appellant would then submit that for all the other four who were similarly identified in the Election Petition, appeal was preferred and while admitting the appeal on 04.08.2023, no punitive action was ordered against those appellants, in pursuant to the impugned judgment dated 30.03.2023 in the Election Petition No.1/2018.

3. The respondent No.1 who has filed the election petition is represented by Ms. Nalina Mayegowda, learned Senior Counsel and she submits that the present appellant (Palanethraiah G), in answer to the charge of corrupt practice, has pleaded guilty as was extracted in the impugned judgment(page 143).

4. As the appellant was not party in the Election Petition, permission to file appeal is granted.

5. Admit.

6. List along with Civil Appeal No.2549/2023.

7. In the meantime, no punitive action shall be taken against the appellant, in pursuant to the impugned judgment dated 30.03.2023.

(DEEPAK JOSHI)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR