

ITEM NO.24

COURT NO.9

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 3549/2016

(Arising out of impugned final judgment and order dated 12-02-2015 in CP No. 100889/2014 passed by the High Court Of Karnataka Circuit Bench At Dharwad)

THE STATE OF KARNATAKA &amp; ANR.

Petitioner(s)

VERSUS

PRATHIK PARASRAMPURIA

Respondent(s)

Date : 05-09-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Joseph Aristotle A., Adv.  
Ms. Priya Aristotle, Adv.  
Mr. Ashish Yadav, Adv.  
Ms. Romesha Raj, Adv.  
Ms. Anitha Shenoy, AOR

For Respondent(s) Mr. Kuriakose Varghese, Adv.  
Mr. Abir Phukan, Adv.  
Mr. V. Shyamohan, AOR  
Mr. Surya Prakash, Adv.  
Mr. Deepak Grover, Adv.

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

Issue notice returnable within eight weeks to the Election Commission of India and Union of India.

During the 2014 Lok Sabha bye-elections for Bellary constituency, the respondent's residence and business complex were raided by the flying squad established by Election Commission of

India for controlling the distribution of cash, gifts, liquor, free food etc in order to maintain the integrity of the election. The raid was on the basis of an anonymous message alleging that the respondent had hoarded a large amount of counterfeit currency which was to be used for bribing the voters. One laptop, cheque books and loose cheque-leaves, a pen drive and Rs. 20,48,355/- in cash were seized during the raid. An FIR was registered, being Crime No: 0107 of 2014, on 11.04.2014, under Sections 171 E and 188 of IPC, on the allegation that the respondent was in possession of money to be used to pay the voters at the time of the election. The respondent, filed a petition for quashing of the complaint before the High Court of Judicature of Karnataka.

The High Court by an order dated 12.02.2015, quashed the FIR on the ground that there was no averment in the complaint as to whom the accused intended to bribe and the mode which he had planned to adopt. Aggrieved by the judgment of the High Court, the State of Karnataka has filed a special leave petition.

Having heard parties and on perusing the material available on record, we are of the opinion that though wide powers are vested in the Election Commission under Article 324(1) of the Constitution, they are regulated by statutory provisions as are enacted by the Parliament. We are informed that numerous criminal cases relating to crimes committed during elections are not being pursued effectively as the prosecution is completely left for the State machinery. Although learned counsel appearing on behalf of the

respondent drew our attention towards certain guidelines formulated by the Election Commission of India concerning flying squads, it would be appropriate that the Election Commission places before this Court all the guidelines framed in this regard concerning the procedures to be followed by the flying squads, or similar authorities with respect to search, seizure and prosecution of other criminal matters involving elections.

(SHASHI SAREEN)  
AR CUM PS

(S. SIVARAMAKRISHNA)  
ASST.REGISTRAR