

The complainant Mr. H.R. Nagabushan has filed this complaint against accused No.1 & 2 U/Sec.223(1) of BNSS, 2023 alleging that the accused have committed the Offences P/U/Sec.112(2) & 45 of BNS, 2023.

Heard. Perused the complaint & the documents annexed to it. It is the allegation of the complainant that the accused No.1 being the sitting MLA from Koratagere Constituency & Home Minister for the State and accused No.2 being the Deputy Commissioner, Tumakuru District have involved in illegal betting in the public function i.e., the Kabaddi competition held in the Tumakuru City on 19/10/2025 by betting Rs.500/- as against the winning Team i.e., the Dakshina Kannada District Team & also after the said competition they have given statement about the same to the Media, whereby they have instigated the public at large to involve in such illegal betting activities. As such the accused have committed the offences punishable U/Sec.112(2) & 45 of BNS, 2023.

The complainant has duly complied the guidelines of *Hon'ble Apex court*, in the case of *Priyanka Srivathsava V/s State Of U.P & others*, reported in (2015)4 S.C.R.108, as to exhaustion of Sec.173 of BNSS, 2023 (Sec.155(2) of Cr.P.C.,) & filed affidavit as per Sec.173(4) of BNSS, 2023. He also filed the endorsement given by the PSI, Kodigehalli police station, Kodigehalli, Madhugiri Taluk, Tumakuru District, dated: 29/10/2025, wherein it is stated that, the complaint filed by the complainant is baseless & without any evidences and as such the complaint was closed.

Upon perusal of the complaint allegations along with the documents annexed to it like, the paper publications / reports of Prajawani Daily Newspaper

dated: 20/10/2025 & Vijayawani Daily Newspaper, dated: 21/10/2025 and the copy of complaint given to the PSI, Kodigehalli Police Station, the complaint given to CPI, Madhugiri Circle and the complaint given to the Dy.S.P, Madhugiri Sub-Division & S.P, Tumakuru District, prima-facie it appears that there is a case for investigation. Further, on perusal of the endorsement given by the PSI, Kodigehalli Police Station, it appears that said police have neither considered the reports of Newspapers nor appears to have summoned any documents / evidences from the complainant before giving such an endorsement as to the complaint is baseless and lack of evidence.

Further, though the accused No.1 herein is the present MLA of Koratagere Constituency as well as the Home Minister of State & the accused No.2 is the Deputy Commissioner, Tumakuru District, the Offences alleged against them in this case appear to be not coming within the purview of discharge of their Official functions as such MLA / Home Minister & Deputy Commissioner. As such sanction from the concerned authority /state government is not necessary.

Hence, I hereby refer this complaint U/Sec. 175(3) of BNSS, 2023 to the SHO, Kodigehalli Police station, Kodigehalli, Koratagere Taluk, Tumakuru District for investigation.

Office to send the complaint and connected papers to the said police station.
Await FIR.

Call on : 30/04/2026.

(K.N.Shivakumar)
XLII Addl. CJM, Bengaluru.