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## **Analysis of candidates legal records**

### **Bengaluru city Parliamentary Constituencies**

Lok Sabha Elections 2019

#### **Mr. Prakash Raj, Independent candidate from Bengaluru central Parliamentary constituency**

As per the affidavit filed before the Election Commission in 2019, Mr. Prakash Raj has not had any criminal cases against him that have resulted in his conviction. As per the affidavit, there is currently one criminal case pending against him in the court of the Senior Civil Judge and CJM, Chikkamagaluru (C.C. No. 132/2019). The case was filed on 31 January 2019 under the following provisions of law:

- 1) The Indian Penal Code, 1860:
  - (a) Section 143 - Punishment for a member of an unlawful assembly
  - (b) Section 147 - Punishment for a person guilty of rioting
  - (c) Section 149 - Every member of an unlawful assembly will be guilty of an offence committed in prosecution of a common object
  - (d) Section 188 - Any person who disobeys an order duly promulgated by a public servant will be punished
  - (e) Section 341 - Punishment for a person who wrongfully restrains another person
- 2) Karnataka Police Act, 1963:
  - (a) Section 37 - Licensing for the usage of loudspeakers
  - (b) Section 109 - Punishment for persons who contravene or abet the contravention of a license granted under Section 37

The case was called in court on 22 March 2019 wherein summons was issued to accused who were not present in court, and the case is now listed for the next hearing on 31 May 2019.

#### **Mr. Rizwan Arshad, INC candidate from Bengaluru central Parliamentary constituency**

Mr. Rizwan Arshad has not been convicted in any criminal case, nor does he have any criminal cases currently pending against him as per the affidavit filed by him before the Election Commission in 2019. Looking back at his 'Criminal and Asset Declaration' in 2016, it can be seen that he at the time had one criminal case pending against him in the court of the Additional Chief Metropolitan Magistrate in Bengaluru (C.C. No. 46893/2010) which was filed on 4 November 2010 under the following provisions of law:

- 1) The Indian Penal Code, 1860:
  - (a) Section 143 - Punishment for a member of an unlawful assembly
  - (b) Section 147 - Punishment for a person guilty of rioting
  - (c) Section 149 - Every member of an unlawful assembly will be guilty of an offence committed in prosecution of a common object



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- (d) Section 188 - Any person who disobeys an order duly promulgated by a public servant will be punished
- (e) Section 341 - Punishment for a person who wrongfully restrains another person

The case has since then been disposed by the court on 28 December 2016 as having been withdrawn.

### **Mr. P.C. Mohan, BJP candidate from Bengaluru central Parliamentary constituency**

Mr. P.C. Mohan has not been convicted in any criminal case, nor does he have any criminal cases currently pending against him as per the affidavit filed by him before the Election Commission in 2019. Looking back at his 'Criminal and Asset Declaration' in 2014, it can be seen that he had two criminal cases pending against him at that time:

#### Case 1

This case (C.C. No. 11574/2009) was filed on 26 May 2009 in the court of the Additional Chief Metropolitan Magistrate in Bengaluru against Mr. P.C. Mohan. The case was filed under the following provisions of law:

- 1) Indian Penal Code, 1860:
  - (a) Section 171(C) - Undue influence at elections
- 2) Representation of People Act, 1951:
  - (a) Section 127-A - Restrictions on the printing of pamphlets, photos, etc.

The facts of this case were that the police intercepted a car which had handbills of Rs.1,000 and badges relating to P.C. Mohan while patrolling during election time. After the case was filed in court, Mr. P.C. Mohan filed an application in the court to be discharged from the charges. However, as the Magistrate rejected the application, he filed a revision petition before the High Court of Karnataka to drop the charges (Crl.R.P. 896/2012). As the High Court found no nexus between him and the charges, on 15 December 2018 the High Court allowed the revision petition and directed the court of the Additional Chief Metropolitan Magistrate to drop charges against Mr. P.C. Mohan.

#### Case 2

This case (C.C. No. 10614/2008) was filed on 13 May 2008 in the court of the Chief Metropolitan Magistrate in Bengaluru against Mr. P.C. Mohan. The case was filed under the following provisions of law:

- 1) Indian Penal Code, 1860:
  - (a) Section 147 - Punishment for a person guilty of rioting
  - (b) Section 174A - Punishment for non-appearance in response to a proclamation

This case has been disposed by the court on 4 January 2019 as contested and acquitted.



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### **Mr. Vatal Nagaraj, KCVP candidate from Bengaluru South Parliamentary constituency**

Mr. Vatal Nagaraj has not been convicted in any criminal case, nor does he have any criminal cases currently pending against him as per the affidavit filed by him before the Election Commission in 2019. Looking back at his 'Criminal and Asset Declaration' in 2013, it can be seen that he had three criminal cases pending against him at that time:

#### Case 1

No information could be found regarding this case (P.C.A.C.C. No. 1606/2005).

#### Case 2

These cases were filed from 1 December 2004 to 30 April 2005 in the court of Additional Chief Metropolitan Magistrate in Bengaluru against Mr. Vatal Nagaraj. This case was filed under the following provisions of law:

- 1) Railway Act, 1989:
  - (a) Section 174(a) - Obstructing the running of trains
  - (b) Section 147 – Punishment for trespass and refusal to desist from trespassing a train

There were six cases filed against Mr. Vatal Nagaraj for the offences mentioned above at four different instances, on 1 December 2004, 29 Jan 2005, 21 February 2005, and 30 April 2005 (C.C. No. 8079/2006, C.C. No. 28877/2006, C.C. No. 10733/2006, C.C. No. 10734/2006, C.C. No. 21984/2006, C.C. No. 10731/2006).

The facts of these cases were that Mr. Vatal Nagaraj and his followers obstructed and detained trains by squatting on the tracks and climbing on the engine. He and his followers blocked the train for about 10-15 minutes and shouted slogans. The court held that the prosecution failed to identify any of his followers as co-accused or produce any evidence to prove that Mr. Vatal Nagaraj is guilty of obstructing the running of the train. The Court further noted that no passenger has testified against the accused and only railway officials have testified against him.

Due to these reasons, and the fact that no property was damaged and person was hurt in that process, the court acquitted him and held that the prosecution failed to establish that the accused had any criminal intention to commit the offence. Moreover, under Article 19 of the Indian Constitution, picketing is said to be permissible under the right to freedom of speech and expression.

Therefore, out of the six cases, five were disposed by the court on 3 August 2016 and the remaining one by 28 August 2017 as contested and acquitted.

#### Case 3



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This case (C.C. No. 22043/2008) filed on 27 January 2008 in the court of Additional CMM in Bengaluru against Mr. Vatal Nagaraj. This case was filed under the following provisions of law:

- 1) Railway Act, 1989:
  - (a) Section 174 (a) - Obstructing the running of trains
  - (b) Section 147 – Punishment for trespass and refusal to desist from trespassing a train

The facts of this case were that Mr. Vatal Nagaraj and pro-Kannada organisation activists conducted dharna against the Central Government demanding to give Classical Status to Kannada language, in recruiting Kannadigas in group D employees in South Western Railway etc. Vatal Nagaraj and his followers obstructed the movement of the train and entered the premise without proper authority.

The Court held that the accused is not guilty of the offences mentioned as the prosecution has failed to prove its case. The prosecution failed to identify other accused present at the scene and only railway officials had testified against the accused. There was no damage caused to any property and no person was hurt during the dharna. Moreover, under Article 19 of the Indian Constitution, picketing is said to be permissible under the right to freedom of speech and expression.

This case has been disposed by the court by 3 August 2016 as contested and acquitted.

No details could be found regarding another case (C.C. 12738/2008) that was disclosed along with this case.