

**IN THE SUPREME COURT OF INDIA  
CRIMINAL WRIT JURISDICTION  
Cr. M. P. No. 811 OF 2019  
IN  
WRIT PETITION (CRIMINAL) NO. 212 OF 2017**

**IN THE MATTER OF:**

UMADEVI MALLINATH KALBURGI ...Petitioner

**VERSUS**

UNION OF INDIA & ORS. ...Respondents

**AND IN THE MATTER OF:**

KAVITHA LANKESH

...Applicant/Intervenor

**APPLICATION FOR INTERVENTION**

TO

THE HON'BLE CHIEF JUSTICE OF INDIA  
AND HIS LORDSHIP'S COMPANION JUSTICES OF THE  
SUPREME COURT OF INDIA

THE HUMBLE APPLICATION  
OF THE ABOVE NAMED  
APPLICANT

**MOST RESPECTFULLY SHOWETH:**

1. That the abovementioned Writ Petition is filed before this Hon'ble Court by the Petitioner seeking various reliefs relating to the investigation of the case arising out of the brutal murder of her husband which took place on 30.08.2015. The facts of

the case are not repeated herein the application for the sake of brevity.

2. That this Hon'ble Court after hearing the plea of the Petitioner herein admitted the above mentioned case on 10.01.2018. A True Copy of the order dated 10.01.2018 passed by this Hon'ble Court in the aforementioned matter is annexed herewith and marked as **ANNEXURE A-1.** (Pg. )
3. That the Applicant herein is a nationally and internationally recognized film director and a Masters in English Literature from the Bangalore University. The Applicant is also the younger daughter of Central Sahitya Academy winner P. Lankesh and younger sister of renowned journalist and social activist Gauri Lankesh.
4. That Ms. Gauri Lankesh, the elder sister of the applicant was tragically gunned down in cold blood, on September 5, 2017, outside her home in Rajarajeshwarinagar Bangalore, by extremists and fundamentalists causing shock waves across the nation. The applicant, Ms Kavitha Lankesh, younger sister of the deceased is the first original complainant in the matter in CR Nos 221/2017 registered with the Rajarajeshwari Nagar Police Station, Bangalore.
5. That the following prayers are made by the Petitioner in the aforementioned Writ Petition No. 212/2017:-

“a) Issue a Writ of Mandamus or any other Writ, Order or Direction in the nature of Mandamus appointing Independent person retired Judge of Supreme Court or High Court and of directing Respondent No. 2 Government of Karnataka to appoint dedicated Special Investigation Team led by the Additional Director of General of Police, Karnataka, and comprising of expert officers of impeccable credentials to conduct an investigation into the conspiracy and gruesome murder of Professor M. M. Kalburgi on 30/08/2015 and to take all necessary consequential steps/actions pertaining thereto and direction to provide such Team necessary facilities as well as support. The directions also should include reporting to Hon’ble Supreme Court and no change in the team without permission of the Hon’ble Court;

b) Direct the State of Maharashtra and the State of Goa to nominate particular police officer to provide all support and information to Special Investigating Team constituted under prayer-clause (a) immediately and share details of investigation in murder of Dr. Dabholkar and Comrade Pansare;

c) Seek immediate report from all the Respondent States involved and especially from the National Investigation Agency seeking efforts made by them to apprehend the accused named in the said crime and accused involved in Professor Kalburgi murder case along with reports from State of Maharashtra and C.B.I.;

d) Formulate appropriate policy for investigation of inter-state crimes and the support of agency like the N.I.A. and the C.B.I. to various State agencies whenever and wherever it is required. The said policy should mandate appointment of Nodal officer holding rank of Inspector General of Police in every State. The policy should also provide for timeframe for sharing information and coram of meetings;

e) Monitor the investigation to be carried out by the Special Investigation Team sought to be constituted through the present Petition, till the time such investigation is reached to its logical conclusion;

f) During the pendency of the hearing of the present petition, this Hon'ble Court be pleased to direct the Respondent to submit the periodic status report as to the progress made in the investigation in the case of murder of Professor M. M. Kalburgi”

6. That it is pertinent to mention that the prayer made by the Petitioner in the aforementioned Writ Petition is for a Court monitored Investigation of killing of renowned academician, Mr. M.M. Kalburgi and not for transfer or clubbing of all Investigations.

7. That the Applicant felt the urgent need to file the present Intervention Application as the news reports of the last hearing of the abovementioned Writ Petition filed by Mrs Umadevi Mallinath Kaburgi, the wife of the Late Mr. M.M. Kalburgi on

11.12.2018, reported that this Hon'ble Court had (orally) expressed an opinion regarding the possible clubbing of investigations of all four murder/assassination investigations and even sought a response of the same from the Central Bureau of Investigation (CBI). Copies of newspaper reports of the same is annexed herewith and marked as **ANNEXURE A-2.** (Pg. to )

8. That the intervenor is filing the present application seeking indulgence of this Hon'ble Court for permitting her to intervene in the above matter as the progress of the present case may seriously affect the ongoing investigation of the cold blooded murder of the sister of the Applicant.
9. That factually, it is submitted that the incident of the cold blood killing of the sister of the Applicant, Ms. Gauri Lankesh took place on September 5, 2017, between 8:00 pm and 8:30 pm, at her residence No. 473/A, 14<sup>th</sup> Cross, Ideal Homes Extension, Rajarajeshwari Nagar, when some miscreants committed murder of the Press Personnel Gauri Lankesh by shooting her with firearm. The said incident came under the jurisdiction of Rajarajeshwari Nagar police station of Bangalore City and on the same day an FIR was registered under Sections 302, 120(B), 114, 118, 109, 201, 203, 204, 35 of I.P.C. and Sections 25(1), 25(1B), 27(1) of the Indian Arms Act, 1959 and Sections 3(1)(i), 3(2), 3(3) and 3(4) of the COCA Act, 2000 ( Order No.C.R.M./01/158/BC/2017-18 dated

06-09-2017 of the D.G. and I.G.P.) as Crime No. 221/2017. A Copy of the FIR being Crime No. 221/ 2017 is annexed herewith and marked as **ANNEXURE A-3.** (Pg. to )

10. That since the case was a very sensitive and of grave nature and was/is likely to impact gravely on all of society, the then Karnataka State Government, D.G. and I.G.P., State of Karnataka, Bangalore, announced the formation of a Special Investigation Team (SIT) which was constituted the day after the ghastly incident itself. Since then the Investigation has been carried on by the said SIT.
11. That the Special Investigation Team (SIT) headed by Inspector General of Police (Karnataka) has been conducting the Investigation with great speed and urgency and moreover the entire Investigation has been committed to a Court though not yet completed.
12. That the SIT Investigation is being carried out with great pace and from January 2018 till date, 16 accused persons have been arrested and incriminating evidences have been unearthed by the SIT. Following this, even the preliminary and subsequent Charge Sheets have been filed.
13. That if at this advanced stage of the Investigation into the matter of the cold blooded murder of the sister of the Applicant, any change is made or the Investigation is shifted to any other agency, the entire process would be de-railed.

14. That the applicant states and submits that through the numbing shock of her sister's brute assassination, she and her family were also compelled in the interests of justice and truth-telling to participate in the process to identify the killers of this dastardly act. Through this process, despite the national and international attention on the case, it is the applicant's humble and most considered experience that the SIT constituted by the Karnataka government and police, went about its job methodically to the best extent possible gathering evidence crucial to the investigation.

15. That the applicant would like to state that it is this sensitive investigation under the aegis of the SIT that links and connections to the other cases and murders committed before the killing of the applicant's sister, Gauri Lankesh have been and are being made. Accused hitherto linked and connected to other crimes even outside the killings of the four rationalists along with the applicant's sister have been unearthed through the investigations of the SIT, Karnataka. If at all therefore any investigations have to be clubbed or transferred it ought to be to this body constituted of the senior echelons of the Karnataka police.

16. That this Investigation, as per newspaper reports has also revealed details of several other Intellectuals etc. under threat which are Confidential and not available, though some newspaper reports have appeared on the subject. That it is

imperative that these precious lives are also saved by not sending a signal that the Agency that is probing the case of the murder of Ms Gauri Lankesh judiciously is now, at this advanced stage, being divested of the task, that too because full information is not before this Hon'ble court.

17. That from the apprising by the Investigating agency, the applicant and her family have been kept closely informed of the developments in the case. The applicant states that the premeditated nature of the crime and the methodical planning therein appears to have also been unearthed by the Investigating Agency (namely SIT) and that these Investigations reveal such planning to date back to 2006. That therefore the sinister grip of such organisations acting in a criminal manner needs to be completed and properly and thoroughly investigated; any shift at this stage would only mar the process substantively.

18. That the Investigation has also apparently unearthed details of arms trainings and trainings in killings and violent acts that point to a broader based organizational set up that goes beyond the killing of the Applicant's sister, Ms Gauri Lankesh. That details of these criminal acts and trainings appear to be taking place in both Karnataka and Maharashtra and Goa at the very least.

19. That the applicant states and would like to humbly convey that in the midst of grief and loss, the fact that the Investigation is



taking place thoroughly and scientifically is something that is bringing some sense of closure to the family of the deceased including the applicant. It is the apprehension of the Applicant that if the ongoing investigation in the murder of her sister is transferred to a different SIT other than the present SIT, the entire process of investigation, which is at already at an advanced stage, will get delayed. By the inadvertent derailing of the Investigation, not only would the process of justice be affected but the sense of emotional closure being slowly grasped by the family would be severely and brutally disrupted.

20. In this background, it would be wise and in the interests of justice that the ongoing investigation in the case of murder of Ms. Gauri Lankesh is not clubbed with the investigations of the remaining three murder/assassinations.

21. That this Hon'ble Court may allow the Applicant herein to make submissions for proper adjudication of the above mentioned Writ Petition.

22. That the present application is bona fide and made in the interests of justice.

### **PRAYER**

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:-

- a. Permit the Applicant herein to intervene in the aforesaid Writ Petition bearing W.P. (Cr.) No. 212/2017;
- b. Permit the Applicant to place her Written Submissions before this Hon'ble Court;
- c. Pass any other order/orders as may be deemed fit in the facts and circumstances of this case.

AND YOUR APPLICANT/ INTERVENOR, AS IN DUTY BOUND SHALL EVERY PRAY.

(APARNA BHAT)

ADVOCATE FOR THE PETITIONER

Filed on:

New Delhi