

KABR010006412024



**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, BENGALURU RURAL DISTRICT,
BENGALURU.**

Present:

Smt. B.S. Rekha, B.A.(Law) LL.M.,
Prl. District & Sessions Judge,
Bengaluru Rural District, Bengaluru.

Dated this the 31st day of July, 2026.

Sessions Case No.77/2024

Complainant:- State by Nelamangala Rural Police,
Bengaluru Rural District.

(By Learned Public Prosecutor,
Bengaluru Rural District.)

-VERSUS-

Accused:- A.1. Srivatsa,
S/o Narasimharaju,
Aged 23 years,
R/at Thogarighatta,
Holavanahalli Hobli,
Koratagere Taluk,
Tumakuru District.

A.2. Siddaraya @ Siddaiah,
S/o Gangadharappa,
Aged 20 years,

R/at Chimpuganahalli,
Holavanahalli Hobli,
Koratagere Taluk,
Tumakuru District.

A.5. R.N.Harish,
S/o Nagaraju,
Aged about 22 years,
R/at R.Venkatapura @
Menayanapalya,
Holavanahalli Hobli,
Koratagere Taluk,
Tumakuru District.

A.6. Nandana V,
S/o Venkatesh Rao,
Aged 19 years,
R/at Lingapura village,
Teetha Post,
Kolala Hobli,
Koratagere Taluk,
Tumakuru District.

(For A1 by Sri G.M-Advocate)
(For A2, 5 by Sri M.K.C-Advocate)
(For A6 by Sri N.G-Advocate)

1.	Date of commission of offence	10.03.2019
2.	Date of report of occurrence	10.03.2019
3.	Whether accused are in custody or on bail.	Accused No.1, 2, 5 & 6 are on bail
4.	If in custody from which date	-
5.	Date of commencement of	16.02.2026

	Evidence	
6.	Date of closing of evidence	16.04.2026
7.	Name of the Complainant	Kumaraswamy N, PSI of Nelamangala Rural Police Station.
8.	Offence complained of	U/Ss.399 & 402 of Indian Penal Code
9.	Opinion of the Judge	Accused No.1, 2, 5 & 6 found not guilty of offences punishable U/Ss.399 & 402 of IPC
10.	Order/Result	As per final order

J U D G M E N T

The Police Inspector, Nelamangala Rural Police Station, Bengaluru Rural District has filed charge-sheet against accused persons alleging the offences punishable U/Ss.399 & 402 of Indian Penal Code.

2. The case of prosecution is that on 10.03.2019, at about 1.30 a.m. near Budihal Gate on the Tumakuru-Bengaluru NH-48 road in Kasaba Hobli,

Nelamangala Taluk, within the limits of Nelamangala Rural Police Station, the accused No.1, 2, 5 & 6 along with absconded accused No.3, 4 & 7 to 11 came on two-wheeler vehicles i.e., Passion Pro bike without registration number, having Engine Number: HA10ACJHF51857 and Chassis Number: MBLHAR182JHF18674; a Honda Shine bike with Registration No.KA-64-J-2408, having Engine Number: JC65ET0053258 and Chassis Number: ME4JC651FFT037198; and a Dio bike without a registration number, having Engine Number: JF39ET-4179713 and Chassis Number: ME4JF39HBKT112253 by holding dragon knife, iron rod and two packets of chili powder in their hands and were making preparations to commit dacoity of the passers by and thereby accused persons have committed the aforesaid offences.

3. After receipt of the charge-sheet, learned Prl. Civil Judge & JMFC, Nelamangala has complied with S.209 Cr.P.C., and committed the charge-sheet and other materials in C.C.No.2490/2019 to this Court vide order dated 27.01.2024 against accused No.1, 2, 5 & 6. Thereafter, this case is registered before this Court. The case against accused No.3, 4 & 7 to 11 is split-up before committal Court in C.C.No.292/2024.

4. The accused No.1, 2, 5 & 6 are on bail.

5. After hearing arguments of both sides, as there were materials to frame charge, this court has framed charge against accused No.1, 2, 5 & 6 alleging the offences punishable U/Ss.399 & 402 of Indian Penal Code. After understanding the contents of charge read-over and explained to accused No.1, 2, 5 & 6 in the language known to them, they pleaded not guilty and claimed trial.

6. In order to prove its case, prosecution has examined 2 witnesses as P.W.1 & P.W.2, got marked Ex.P.1 to 3 and closed its side.

7. Since there were no incriminating circumstances appearing in the deposition of the prosecution witnesses, recording of the statement of accused U/S.313 Cr.P.C, is dispensed with.

8. Accused No.1, 2, 5 & 6 shall comply with S.437-A of Cr.P.C., within one week from the date of this order and furnish surety for their due presence even after disposal of this case for a period of six months or if any appeal is preferred before higher courts, till disposal of the appeal.

9. Heard arguments.

10. From the above facts, the points that arise for consideration are:

1. *Whether the prosecution proves beyond reasonable doubt that 10.03.2019, at about 1.30 a.m. near Budihal Gate on the Tumakuru-Bengaluru NH-48 road in Kasaba Hobli, Nelamangala Taluk, within the limits of Nelamangala Rural Police Station, the accused No.1, 2, 5 & 6 along with absconded accused No.3, 4 & 7 to 11 came on two-wheeler vehicles i.e., Passion Pro bike without registration number, having Engine Number: HA10ACJHF51857 and Chassis Number: MBLHAR182JHF18674; a Honda Shine bike with Registration No.KA-64-J-2408, having Engine Number: JC65ET0053258 and Chassis Number: ME4JC651FFT037198; and a Dio bike without a registration number, having Engine Number: JF39ET-4179713 and Chassis Number: ME4JF39HBKT112253 by holding deadly weapons like dragon knife, iron rod and chili powder packets made preparations to commit dacoity of the passerby and thereby, committed the offence punishable U/S.399 IPC?*

2. *Whether the prosecution further proves beyond reasonable doubt that, on the same date, time and place, accused No.1, 2, 5 & 6 along with absconded accused No.3, 4 & 7 to 11 have assembled as members of the gang for the purpose of committing dacoity by holding deadly weapons like dragon knife, iron rod and chili powder packets and thereby committed the offence punishable U/S.402 IPC?*

3. *What order ?*

11. Finding of this Court on the above points are as under:-

Point No.1 & 2 : In the ***negative***;

Point No.3 : As per final order for the following:-

REASONS

12. **Point No.1 & 2**:- These points are considered together, as they require common discussion for the sake of convenience and clarity.

13. The case of prosecution is as stated herein above.

14. P.W.1 is said to be the spot and seizure mahazar witness and P.W.2 is said to be the witness for the panchnama regarding the release of the two-wheeler vehicle.

15. C.W.3-Nataraju examined as P.W.1 who has admitted his signature on Ex.P.1-seizure mahazar as Ex.P.1(a). One day, during the year 2019 when he had been to the Nelamangala Police Station, he had signed Ex.P.1 during afternoon. As police have told to sign on some mahazar, he has signed. He is not aware of the accused before the Court. Police have not drawn any mahazar in his presence and not seized anything. He does not know the contents of Ex.P.1. He has not given any statement before police. This witness turned hostile to the case of prosecution.

16. Even during the cross-examination of learned PP, P.W.1 has denied all the suggestions put to him. Nothing is elicited from his evidence, which is favourable to the case of prosecution.

17. C.W.6-Hanumantharayappa examined as P.W.2 has admitted his signature on Ex.P.3-panchanama (by oversight it is typed as Ex.P.2 in the evidence) as Ex.P.3(a). About 3 years back, when he was sitting at Nelamangala Station, police took his signature on Ex.P.3. As police have told to sign on some mahazar, he has signed. He is not aware of the accused before the Court. Police have not drawn any mahazar in his presence and not seized anything. He does not know the contents of Ex.P.3. He has not given any statement before police. This witness turned hostile to the case of prosecution.

18. Even during the cross-examination of learned PP, P.W.2 has denied all the suggestions put to him. Nothing is elicited from his evidence, which is favourable to the case of prosecution.

19. As per the prosecution case, C.W.1 is the complainant and who conducted investigation; C.W.2 & 3 are the spot and seizure mahazar witnesses; C.W.4 to 6 are the witnesses for the panchnama regarding the release of the two-wheeler vehicle; C.W.7 is the witness regarding submitting the F.I.R to the Court; C.W.8 to 11 are the witnesses regarding the raid conducted on the accused. Among the above witnesses C.W.10 is reported to be dead. Prosecution has given up C.W.4, 5, 8 and 9. Though summons were served on other witnesses, but they have remained absent.

20. Even after giving sufficient opportunities, the learned Public Prosecutor failed to secure the C.W.1, 2

and 11. Hence, the prayer of learned Public Prosecutor to issue summons to other witnesses is rejected and prosecution evidence is taken as closed. Even the P.W.1 and 2 who were examined by the prosecution have clearly stated that they have signed Ex.P.1 & 3 in the police station, at the time of their visit. When such being the fact, drawing of panchanamas and seizure of articles as per Ex.P.1 & 3 creates as doubt.

21. Admittedly, C.W.1 said to be the complainant is not examined by the prosecution. Non-examination of material witnesses is fatal to the case of prosecution. It appears that C.W.1 has overwhelmed by some information given by the alleged informant about the preparation for committing dacoity or robbery by holding any weapons, without holding any enquiry or efforts to confirm the same has proceeded further. Mere holding of weapons may not amount to commission of offences punishable under Sections 399 and 402 of IPC.

What is important is intention to commit dacoity or robbery and assembled at the spot for commission of dacoity.

22. Under these circumstances, without corroboration from the independent witnesses, this Court holds that prosecution failed to prove the offences levelled against the accused No.1, 2, 5 & 6. Always benefit of doubt shall be in favour of the accused persons. Hence, this Court holds that prosecution fails to prove point Nos.1 & 2 beyond reasonable doubt. Accordingly, **point No.1 & 2** are answered in **NEGATIVE**.

23. **Point No.3:-** In view of findings on point No.1 and 2, this Court proceeds to pass the following:-

O R D E R

Accused No.1, 2, 5 & 6 is acquitted
U/S.235(1) of Cr.P.C for the offences

punishable U/Ss.399 & 402 of Indian Penal Code.

Accused No.1, 2, 5 & 6 shall comply with S.437(1) of Cr.P.C., within one week from the date of this judgment and furnish surety for their due presence even-after disposal of this case for a period of six months or if any appeal is preferred before higher Courts, till disposal of the appeal.

Office is hereby directed to retain material objects if any, till disposal of case against the absconded accused No.3, 4, & 7 to 11.

(Dictated to the Stenographer Grade-I, transcribed by him, corrected, signed and pronounced by me in the open Court on this the 31st day of July, 2026)

(B.S. Rekha)

Prl. District & Sessions Judge,
Bengaluru Rural District,
Bengaluru.

ANNEXURE

List of witnesses examined for prosecution:-

P.W.1

Nataraju

P.W.2 Hanumantharayappa

List of documents exhibited for prosecution:-

Ex.P.1	Seizure panchanama
Ex.P.1(a)	Signature of P.W.1
Ex.P.2	Statement of P.W.1
Ex.P.3	Panchanama
Ex.P.3(a)	Signature of P.W.2

List of witnesses examined for accused persons:-

-NIL-

List of documents exhibited for accused persons :-

-NIL-

List of material objects produced and got marked for prosecution:-

-NIL-

Prl. District & Sessions Judge,
Bengaluru Rural District, Bengaluru.