

KABR010040062021



**IN THE COURT OF ADDL.DISTRICT AND SESSIONS
JUDGE, FTSC-II, BENGALURU RURAL DISTRICT,
BENGALURU.**

DATED THIS THE 03rd DAY OF JULY, 2026

**PRESENT: ANUPAMA LAKSHMI B. B.A.,LLB. ,
Addl. District & Sessions Judge, FTSC-II,
Bengaluru Rural District, Bengaluru.**

S.C No.142/2021

COMPLAINANT : State by Thalaghattapura Police Station
(Rep. by learned Public Prosecutor.)

V/S

ACCUSED : Pintoo Saha
S/o Ramanandan Vilas Saha,
Aged about 38 years,
R/at: No.286, Raghavanapalya,
JP Nagar 7th Block, 9th Phase,
Bengaluru.

Permanent R/at:

Gharhar village,
Gachitola, Baroni Thana,
Begusarai, Bihar.

(By Ld. CLADC)

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1	Date of commission of offence	25.02.2021
2	Date of report of occurrence.	25.02.2021
3	Whether accused are on bail or in judicial custody.	Accused is in JC
4	If in judicial custody, from which date:	26.02.2021
5	Date of commencement of trial.	11.02.2022
6	Date of closing of trial.	04.04.2026
7	Name of the complainant.	Rekhadevi
8	Offences charged.	Under Sections 326(A) and 307 of IPC.
9	Opinion of the judge.	Accused is not found guilty
10	Order of offence.	As per final order
11	State represented by	Learned Public Prosecutor
12	Accused defended by	By. Ld., CLADC

J U D G M E N T

The Sub-Inspector of Police, Thalaghattapura police station has submitted the charge sheet against the accused for the offences punishable under Sections 326(A) and 307 of IPC.

The learned II Additional Chief Judicial Magistrate Bengaluru, after complying with the provisions under Section 207 Cr.P.C., has committed the case against the accused under Section 209 of Cr.P.C., to the Court of Hon'ble Prl. District & Sessions Judge, Bengaluru Rural District, Bengaluru as the offence under Sections 326(A), 307 of IPC is exclusively triable by the Court of Sessions. After committal of the case, the case is made over to the Court of VII Additional District and Sessions Judge for trial in accordance with law. Thereafter the case is transferred to this court.

2. Case of the prosecution is that, the accused is the son-in-law of the C.W.1 having married the C.W.12- daughter of the complainant. The accused without having any job always under the influence of alcohol used to quarrel with the C.W.12. In this regard the C.W.1 advised the accused. One

week prior to the alleged incident the C.W.12 told the accused that she is facing financial difficulty as the accused does not do any job. The accused quarreled with the C.W.12 and threatened the C.W.1 that the C.W.1 is the reason for the C.W.12 quarreling with the accused and if the C.W.1 dies then her daughter will be fine and further threatened the C.W.1 with dire consequences.

That on 25.02.2021 the C.W.1 in view of the marriage of her son went to the house of the C.W.12 at House No.286, Raghavanapalya, 9th block, JP Nagara within the limits of Talaghattapura police station where the C.W.s.6 to 11 have also gone. At 12 noon the C.W.1 so as to talk to her daughter the C.W.12 went to the house and she when was talking to the C.W.s. 6 to 11 at the bedroom, the accused with the intention of committing the murder of the C.W.1 brought petrol in a bottle and all of a sudden splashed the petrol at the C.W.1 stating that the C.W.1 is the reason for her daughter to quarrel

with the accused, as such he will kill the C.W.1. Thereby, the accused has committed the offences punishable under Sections 326(A), 307 of IPC.

4. After hearing both sides charges were framed and read over to the accused in a language known to him. The accused did not plead guilty and claimed to be tried.

5. The prosecution to prove the guilt of the accused examined 09 witnesses and got marked Ex.P.1 to Ex.P.15 and identified M.O.s 1 to 5 and closed the side.

6. The statement of the accused as required under Section 313 Cr.P.C was recorded. The accused has denied the incriminating evidence available against them. There was no defence evidence.

7. Heard both sides.

8. The points for consideration are as under : -

1. Whether the prosecution proves beyond all reasonable doubt that, the accused had married the C.W.12 daughter of the C.W.1 and the accused addicted to alcohol often picked up quarrel with his wife and the accused threatened the C.W.1 with dire consequences of committing her murder and on 25.02.2021 at about 12.00 noon at house No.286, Raghavanapalya, JP Nagar, 9th phase within the limits of Thalaghattapura police station when the C.W.1 was talking to the C.W.6 to 11 in the bedroom of the house, the accused entered into that room and splashed petrol on the C.W.1 and thereby the accused has committed the offence punishable under Section 326(A) of IPC?

2. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and

place when the C.W.1 was talking to the C.W.6 to 11 in the bedroom of the house, the accused splashed petrol on the C.W.1 with an intention to commit her murder and under such circumstances if by the said act it would have caused the death of the C.W.1 would have caused then the accused would have been guilty of murder and thereby the accused has committed the offence punishable under Section 307 of IPC?

3. What order?

9. My answer to the above points is as under: -

Points No.1 and 2 : In the Negative

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

R E A S O N S

10.Points No.1 and 2 :- These points are interconnected with each other, therefore they are taken up together for consideration to avoid repetition.

11. The prosecution to prove the guilt of the accused out of 20 witnesses cited in the charge sheet has examined 9 witnesses. The learned Public Prosecutor has given up C.W.5 and C.W.17. Since C.W.s.2, 3, 6, 7 to 11 and 14 are not secured inspite of issuance of summons, BW, NBW, proclamation, they were dropped.

12. C.W.11/P.W.1 is the complainant, C.W.4/P.W.2 is a witness to Ex.P.8- seizure mahazar, C.W.12/P.W.3 is the wife of accused, C.W.13/P.W.4 is the brother-in-law of accused, C.W.16/P.W.5 is the police head constable who has translated the statements of complainant and witnesses from Hindi to Kannada.

13. C.W.20/ P.W.6 is the police inspector who is the investigating officer in this case, C.W.15/ P.W.7 is the doctor who has examined complainant, C.W.18/P.W.8 is the police head constable who has traced accused, C.W.19/P.W.9 is the ASI who has submitted the packed and sealed articles of FSL.

14. The C.W.1/P.W.1 on 25.02.2021 lodged Ex.P.1-complaint that the accused on 25.02.2021 at 12 noon at the house of the C.W.12 when the C.W.1 was talking to Ranjudevi- C.W.7, Pooja- C.W.8, Preethi- C.W.9, Sandhya- C.W.11, then the accused brought petrol in a bottle and all of a sudden splashed petrol on the C.W.1 stating that she is the reason for the C.W.12 quarreling with the accused and that he will kill the C.W.1.

15. The accused fled from the spot. Because of the splashing of petrol, the C.W.1 had burning sensation in her eyes and she by changing the clothes and taking bath went to the hospital along with her son- C.W.13 and after receiving

treatment lodged the complaint at the police station.

16. C.W.1/P.W.1 in her examination-in-chief deposed that she lodged the complaint regarding the quarrel taken place between her daughter and the accused. That the accused has not done anything to her except threatening her. However, what is that threat is not stated by the P.W.1.

17. That the P.W.1 has admitted her signature in Ex.P.1- complaint and also in Ex.P.2-panchanama. The learned Public Prosecutor by treating the P.W.1 as a hostile witness cross examined her. The P.W.1 in the cross examination admitted that she has lodged the complaint against the accused that the accused used to quarrel with her daughter and one day brought petrol in a bottle and by splashing the petrol on her he tried to set her on fire. However, the P.W.1 denied that the accused by threatening her splashed petrol on her.

18. She further denied that the police at the time of drawing panchanama seized one plastic bottle and one saree. Admittedly, the police have seized one saree and blouse from the spot which belonged to the P.W.1. Admittedly, the said clothes had the smell of petrol.

19. The P.W.1 in the cross examination by the learned defence counsel deposed that she is not aware of the contents of the complaint. Admittedly, she has signed the complaint as per the say of the police. Admittedly, the accused has not splashed petrol on her. Admittedly, the police have not seized MO.s. 1 to 3 in her presence and that MO.s. 2 and 3 sarees do not belong to the P.W.1.

20. C.W.4/P.W.2 is a witness to Ex.P.8- seizure mahazar. A perusal of evidence of the P.W.2 shows that, the accused has produced one T-shirt, match box before the police which have been seized by the police. That his sign

was obtained on 25.02.2021 at 5.45 pm when he visited the police station.

21. The P.W.2 though can not say the details of the mahazar he denied that the match box and the T-shirt were not produced by the accused. That the mahazar was read over to him before he signed the same.

22. The C.W.12/P.W.3 is the daughter of the C.W.1 and the wife of the accused. Evidence of the P.W.3 shows that her mother used to advise the accused not to consume alcohol. According to the P.W.3 in the year 2021 when she has gone to her work the accused brought petrol and when he went to pour petrol the C.W.s.8 to 11 prevented him and the petrol spilled there and also on her mother. In this regard the complaint was lodged.

23. In the cross examination by the learned defence counsel the P.W.3 admitted that she has not witnessed the alleged incident. The P.W.3 denied that she out of vengeance

over her husband has deposed falsehood that the accused had attempted to splash petrol and it spilled on her mother.

24. Admittedly, the P.W.3 has stated before the police that the accused under the influence of alcohol used to quarrel with her and except that she has stated anything before the police. According to the P.W.3 the accused has quarreled in the house by bringing petrol.

25. The C.W.13/ P.W.4 is the brother of the C.W.12 and son of the C.W.1. As per the evidence of the P.W.4, the accused has poured petrol over the C.W.1. That the C.W.1 called the P.W.4 over the phone and informed the same to the P.W.4. The C.W.1 is said to have told the P.W.4 that the accused by stating that because of the C.W.1 quarrel has been ensued and that C.W.1 has to be killed.

26. The evidence of the P.W.4 in the cross examination by the learned defence counsel is that he has not seen the incident. That the C.W.1 had burning sensation.

27. The C.W.20/ P.W.6 has received the Ex.P.1-complaint and registered Ex.P.9- FIR. He has drawn Ex.P.2-mahazar at the place of incident shown by the C.W.1 and seized clothes and bottle containing a little petrol. He has arrested the accused and drawn Ex.P.8- seizure mahazar by seizing one match box and T-shirt produced by the accused.

28. The P.W.6 has sent the articles to the FSL. He has recorded statement of the witnesses and received Ex.P.14-wound certificate of the C.W.1 from Sairam hospital. After completion of investigation he submitted charge sheet against the accused to the court.

29. The P.W.6 in the cross examination by the learned defence counsel deposed that in the wound certificate the doctor has mentioned that on 25.02.2021 at 12 noon the complainant was present at the hospital. However, Ex.P.14-wound certificate does not disclose that the complainant was present at the hospital on 25.02.2021 at 12 noon. On behalf of

the accused the investigation done by the P.W.6 was denied by the learned defence counsel. However, nothing favourable to the case of defence was elicited from the P.W.6.

30. The C.W.15/ P.W.7 has deposed that on 25.02.2021 at 12 noon the injured the C.W.1 was brought to the hospital by her relative with the alleged history of assault/ poured petrol over body by known person. On examination there was contusion over face both sides. The P.W.7 has opined that the injury was simple in nature. Ex.P.14 is the wound certificate.

31. The P.W.7 in the cross examination by the learned defence counsel admitted that there is no possibility of sustaining contusion over face with pouring of petrol.

32. The C.W.18/ P.W.8 and the C.W.17 on 25.02.2021 have traced the accused and thereafter produced him before the C.W.20.

33. As per the complaint the accused has splashed petrol over the C.W.1. However, the C.W.1 has denied the alleged act of the accused in her evidence before the court. As per the Ex.P.1- complaint C.W.s.7, 8, 9 and 11 are the eye witnesses to the alleged incident. However, the prosecution has not secured the eye witnesses to the alleged incident as such the said witnesses have not been examined.

34. That the P.W.s.3 and 4 are circumstantial witnesses. Though they deposed supporting the case of prosecution, the injured complainant herself has denied the alleged incident. The Ex.P.15- FSL report shows that the articles saree, blouse and T-shirt have responded positive for petrol residues. Though the P.W.2 proved seizure of T-shirt from the accused, the C.W.1 denied seizure of plastic bottle and her saree by the police at the first instance. She again admitted seizure of her blouse and saree by the police having the smell of petrol. The P.W.1/C.W.1 again in her cross

examination by the learned defence counsel admitted that the police have not seized MO.s 1 to 3 in her presence and that M.O.s. 2 and 3 are not her sarees. According to the P.W.1 the said clothes are those of her daughters.

35. The P.W.1 further admitted that the accused has not splashed petrol on her. Though the clothes seized by the police have responded positive to the residues of petrol, the P.W.1 herself has denied splashing of petrol by the accused on her. Furthermore, she is not consistent in her evidence regarding seizure of articles by the police. Though there are photographs showing the complainant holding the plastic bottle when the C.W.1 herself denied the seizure of articles and splashing of petrol by the accused it can not be said that the accused poured/splashed petrol on the C.W.1. Therefore, the prosecution has not proved that the accused with an intention to commit murder of the C.W.1 brought petrol and splashed the petrol on the C.W.1. Hence, this court is of the

view that the prosecution has not established guilt of the accused beyond reasonable doubt. Therefore I answer Points No.1 and 2 in the Negative.

36. Point No.3: - In view of the above discussion, I proceed to pass the following: -

O R D E R

Acting under Section 235 Cr.P.C. the accused is acquitted of the offences punishable under Sections 326(A), 307 of IPC.

The accused is set at liberty forthwith.

Issue direction to jail authorities to release the accused forthwith if he is not required to be detained in any other case.

The accused was in custody throughout the trial. Getting compliance of Section 437(A) of Cr.P.C could not be done. Therefore, a personal bond for Rs.2,00,000/- be taken

from the accused at the time of his release in compliance with Section 437(A) of Cr.P.C.

M.Os.1 to 5 being worthless are ordered to be destroyed after the Appeal period is over.

(Dictated to the Stenographer, transcribed by her, thereafter corrected and then pronounced by me in the open Court on this the 03rd day of July, 2026.)

(ANUPAMA LAKSHMI. B)
Addl. District & Sessions Judge, FTSC-II,
Bengaluru Rural District, Bengaluru.

A N N E X U R E

01. List of witnesses examined on behalf of the prosecution: -

P.W.1	:	Rekha Devi
P.W.2	:	Santhosh
P.W.3	:	Anju
P.W.4	:	Vekeesh Kumar
P.W.5	:	Ramesh K.M
P.W.6	:	Nagesh V
P.W.7	:	Dr. Venkatesh Rathod
P.W.8	:	Asif thalikote
P.W.9	:	Dhanajay

02. The list of witnesses examined on behalf of the accused:

- Nil -

03. The list of documents marked on behalf of the prosecution:

Ex.P.1	:	Complaint
Ex.P.1(a)	:	Signature of P.W.1
Ex.P.1(b)	:	Signature of P.W.6
Ex.P.2	:	Mahazar
Ex.P.2(a)	:	Signature of P.W.1
Ex.P.2(b)	:	Signature of P.W.6
Ex.P.3 to 7	:	Photos
Ex.P.8	:	Mahazar
Ex.P.8(a)	:	Signature of P.W.2
Ex.P.8(b)	:	Signature of P.W.6
Ex.P.9	:	FIR
Ex.P.9(a)	:	Signature of P.W.6
Ex.P.10	:	Report
Ex.P.10(a)	:	Signature of P.W.6
Ex.P.11	:	Statement
Ex.P.11(a)	:	Signature of P.W.6
Ex.P.11(b)	:	Signature of P.W.6
Ex.P.12	:	FSL acknowledgment
Ex.P.12(a)	:	Signature of P.W.6
Ex.P.13	:	Requisition of hospital
Ex.P.13(a)	:	Signature of P.W.6
Ex.P.14	:	Wound certificate
Ex.P.14(a)	:	Signature of P.W.7
Ex.P.15	:	FSL report

04. The list of documents marked on behalf of the accused:-

- NIL -

05. The list of material objects marked:

M.O.1	:	Water bottle
M.O.2	:	One printed saree
M.O.3	:	One blouse
M.O.4	:	T-shirt
M.O.4(a)	:	Signature of P.W.2
M.O.5	:	Match box
M.O.5(a)	:	Signature of P.W.2

Addl. District & Sessions Judge, FTSC-II,
Bangalore Rural District, Bangalore.

