

KAKL020011362020



IN THE COURT OF I ADDL. SENIOR CIVIL JUDGE & CJM,
AT KOLAR

DATED THIS 10TH DAY OF JULY, 2026

: PRESENT :

SMT. ARATI B.KAMATE, B.A, LL.B. (SPL).
I ADDL. SENIOR CIVIL JUDGE & CJM, KOLAR.

CRIMINAL CASE No.451/2020

COMPLAINANT : The State by **KOLAR**
RURAL Police Station,
Kolar.

(By Asst. Public Prosecutor,)

Vs

ACCUSED : A1. Sri. Vinay Kumar S/o Nagarajappa,
Aged about 25 years,
R/at Chaluvanahally Village,
Kolar Taluk, Kolar District.

(By Shri. **V.A.**,
Advocate)

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Date of Commence of alleged offence	25.04.2020
Date of report of offence	25.04.2020
Appearance of the accused before the Court.	08.11.2022
Name of the Complainant	Sri. Syed Khasim
Date of recording of evidence	24.07.2025
Date of closing of evidence	05.01.2026
Offense complained of	420, 170, 171 of IPC
Opinion of the Judge	Acquittal
Date of Judgment	09.07.2026

J U D G M E N T

The PSI of Kolar Rural Police Station has filed charge-sheet against accused for the offenses punishable under Section 420, 170, 171 of *Indian Penal Code*.

2. THE CASE OF THE PROSECUTION IN BRIEF IS AS UNDER :

That, on 25.4.2020 at 10.00 - 10.30 am near Gopalaswamy temple Cheluvanahalli, the accused was proceeding on Passion pro motor cycle bearing No.KA-07-X-5414 by impersonating himself as police constable knowing fully well that he does not hold such office and was found wearing the uniform of police constable and thereby cheated the Government and thereby committed the alleged offenses.

The informant has lodged FIS against the accused alleging the commission of offenses. After investigation, the IO has filed charge sheet against the accused alleging the commission of offenses under Section 420, 170, 171 read with Section 34 of *Indian Penal Code*.

3. After taking cognizance, summons issued to the accused. The accused appeared through counsel. The charge sheet copy was furnished to the accused in compliance under Section 207 of Cr.P.C. After hearing, charge was framed and read over and explained to the accused for the alleged offenses. The accused pleaded not guilty and claimed to be tried.

4. In order to establish the guilt of accused, the prosecution has examined the witnesses as PW1 to PW6 and got marked the documents at Ex.P1 to Ex.P6. The statement of the accused was recorded under Section 313 of Cr.P.C. He denied the incriminating materials available against them. He did not lead evidence.

5. Heard the arguments of both side and perused the records.

6. After hearing the arguments and perusing the records, the points that arise for determination are under:

1. **Whether the prosecution proves beyond all reasonable doubt that, on 25-4-2020 at 10.00-10.30 am near Gopalaswamy temple Cheluvanahalli, the accused was proceeding on Passion pro motor cycle bearing No.KA-07/X-5414 by impersonating himself as police constable knowing fully well that he does not hold such office and thereby committed an offense punishable under Section 170 of *Indian Penal Code* ?**
2. **Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, the was found wearing the uniform of police constable with an intention to make believe that he is a police constable and thereby cheated the Government and thereby committed an offense punishable under Section 171 of *Indian Penal Code* ?**

3. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, the accused impersonated himself as constable even though he is not a constable and thereby cheated the Government and thereby committed an offense punishable under Section 420 of *Indian Penal Code* ?

4. What order or sentence?

7. The above points are answered as follows;

Point No.1 to 3 : In the Negative

Point No.4 : As per final order,
for the following;

REASONS

8. Point No.1 to 3:

These points are interlinked with each other and hence, in order avoid repetition of facts and circumstances, these points taken for common discussion.

9. As per the case of prosecution the accused falsely impersonated himself and police constable and found wearing the uniform of constable.

10. The Criminal Law was set into motion by CW1 by lodging by giving requisition as per Ex.P4. He was examined as PW3. During his evidence, he has stated that on 25.04.2020, when

himself and Shankarkanth were on patrolling duty and when they were on duty at about 09.00 am near Chalvanhally, they got information that some person is roaming by wearing the police uniform. They went near Kashi Vishweshwara Temple and found that Vinay Kumar was proceeding on motorcycle by wearing the police uniform. When he was enquired, he told that he was intending to go to Bengaluru to get treatment for his uncle and because of corona he worn the uniform so that he will not stopped by the police. He further stated that the accused has committed cheating by impersonating himself as police. In that regard, he gave requisition as per Ex.P4. The mahazar as per Ex.P5 was conducted and the uniform and motorcycle were seized and the same are marked MO1. He further stated that the spot mahazar was conducted as per Ex.P1 in the presence of CW4 and CW5. During cross-examination by the learned counsel for the accused, he has denied the suggestions made by the learned counsel.

11. The prosecution has examined the mahazar witnesses to Ex.P1 as PW1 and PW2. As per the case of prosecution, the mahazar was conducted in their presence. But during their

evidence, they have stated that the police have not conducted mahazar and not seized anything in their presence. They have also stated that they do not know anything about this case and they have put signature at the instance of police. They showed ignorance about the contents of Ex.P1. They were treated hostile by the prosecution. In spite of cross examination by the learned APP, nothing was elicited from their mouth in support of prosecution case. They have specifically denied that the accused was roaming by wearing uniform and impersonating himself as police, they also denied about conducting of mahazar as per Ex.P1. They have also denied that in that regard they have given statement before the police.

12. Mahazar witness to Ex.P5 was examined as PW4. In his evidence he has stated that at about 5 years back the police have obtained his signatures on document. He further stated that he does not know for what reason his signature was taken. He identified his signature on Ex.P5. But he further stated that he does not know the contents of Ex.P5. He stated that the police have not conducted mahazar and not seized

anything in his presence. He was also turned hostile by the prosecution. During cross examination by the learned APP, he has denied about drawing of mahazar Ex.P5 and seizure of MO1. In spite of cross examination by the learned APP nothing was listed from his mouth in support of prosecution case.

13. PW5 is the Investigating Officer. He has deposed that on 25.04.2020 at 11.00 am. CW1 produced accused along with two wheeler and gave report as per Ex.P4. On the basis of the same, he registered FIR as per Ex.P6. The further investigation is made by PW6. In his evidence, PW6 has stated that he arrested the accused, conducted mahazar as per Ex.P5 and seized MO1 in the presence of witnesses. He took photograph of the accused. He released him on bail. On the same day, he visited the spot and conducted mahazar as per Ex.P1 in the presence of mahazar witnesses. After completion of investigation, he filed charge sheet against the accused. PW5 and PW6 being the officials have deposed regarding their official acts during the investigation. They have

denied the suggestions made by the learned counsel for the accused.

14. It is the specific case of the prosecution that the accused was roaming by pretending himself as the police official by wearing the uniform of police. After getting information about the same, CW1 went to the spot and got confirmed about the same and he produced the accused before IO. It is stated that the uniform worn by the accused was seized by conducting mahazar in the presence of witnesses. They have also seen the accused roaming by wearing the police uniform. But the said witnesses have not stated regarding the mahazar and seizure of uniform. They have also stated that they do not know anything about this case. The spot mahazar witnesses also turned hostile.

15. There is no corroboration in the evidence of prosecution witnesses. The prosecution has to prove the guilt of the accused beyond reasonable doubt. After considering the materials on record, if two views are possible in such circumstance, the one which is favourable to the accused be considered. If any doubt arises, the benefit of the same

should go to the accused. The facts and circumstances revealing from the evidence by itself are sufficient to extend benefit of doubt to the accused. By considering the facts and circumstances, the prosecution is not able to prove the charges leveled against the accused beyond reasonable doubt. The prosecution has utterly failed to prove the necessary ingredients of alleged offences. **Accordingly, point No.1 to 3 are answered in the Negative**

16. Point No.6 :

In view of aforesaid discussion, the following ;

ORDER

By exercising power conferred under Section 248(1) of Cr.P.C, the accused is hereby acquitted of the offences punishable under Section 420, 170, 171 of *Indian Penal Code*.

Bail bonds and surety bond of accused shall stand cancelled.

(Directly dictated to the stenographer on computer, typed by him, corrected and then signed and pronounced by me in the open Court on this 10TH day of July 2026.)

(ARATI B.KAMATE)
I ADDL. SENIOR CIVIL JUDGE & CJM,
KOLAR.

ANNEXURES**LIST OF THE WITNESSES EXAMINED BY THE PROSECUTION:**

PW1	:	Sri. Thimmegowda
PW2	:	Sri. Rajanna
PW3	:	Sri. Syed Khasim
PW4	:	Sri. Ramakrishna
PW5	:	Sri. Sridhar
PW6	:	Sri. Kiran V

LIST OF THE DOCUMENTS EXHIBITED FOR THE PROSECUTION:

Ex.P1	:	Spot panchanama
Ex.P1(a-c)	:	Signature of PW1, 2, 3
Ex.P2	:	Statement of PW1
Ex.P3	:	Statement of PW2
Ex.P4	:	FIR
Ex.P4(a-b)	:	Signature of PW3, 4
Ex.P5	:	Seizure mahazar
Ex.P5(a-c)	:	Signature of PW3, 4 & 6
Ex.P6	:	FIR
Ex.P6(a)	:	Signature of PW5

LIST OF THE MOS MARKED ON BEHALF OF THE PROSECUTION:

MO1	:	Police Uniform
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LIST OF THE WITNESSES EXAMINED FOR DEFENCE:

- NIL -

LIST OF THE DOCUMENTS EXHIBITED FOR DEFENCE:

- NIL -

LIST OF THE MOS MARKED ON BEHALF OF DEFENCE:

- NIL -

(ARATI B.KAMATE)

I ADDL. SENIOR CIVIL JUDGE & CJM,
KOLAR.