

KABR010008762016



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

:: PRESENT ::

**SMT. AMRITHA S. RAO, B.Com., LL.B.,
VIII Addl. District & Sessions Judge,
Bengaluru Rural District,
Bengaluru.**

DATED THIS THE 29th DAY OF APRIL 2026

::S C No.54/2016 ::

COMPLAINANT:- State by: Soladevanahalli PS,

[By: Public Prosecutor]

V/s

- ACCUSED:-**
1. A2.Sri.Shivarudra Swamy
Mathadhipathi of Belimutt,
Cottonpet, Bangalore-53.
 2. A7.Smt.Kathyayini
W/o Sri.Siddagangachar,
R/at Sanjeevini Nagar,
Hebbal Military Farm,
Bangalore-24.
 3. A9.Sri.Chandrashekar
S/o Sri.C.M.Lingappa,
Ittamadu Village,

Bidadi Hobli,
Ramanagaram Taluk,

4. A10. Sri.Pingi Rajanna
**(Since dead, case is abated
against him)**
5. A11. Sri.Mummadi Shivarudra
Swamy,
The Junior Swami of Maralegavi
Mutt,
Kanakapura Taluk.
6. A13. Sri.Sudarshan Kumar
The son-in-law of
Sri.Chandramauleshwarachar,
R/at No.710, 1st E Cross,
3rd Stage, 4th Block,
Basaveshwaranagar,
Bangalore-79.
7. A.14.Sri.G.Venkatachalaiah
S/o Late Gangaiyanna
R/at Gopalapura Village,
Dasanapura Hobli,
Bangalore North taluk.

[By:Sri.G.R. Advocate]

01.	Date of commission of offence	16-06-2004
02.	Date of report of commission of offence	23-06-2004

03.	Name of the complainant	G.Honnananjappa
04.	Offences complained of	U/s 448, 365 365A, 506(B), 324, 342 read with Section 149 of of Indian Penal Code.
05.	Charge framed	U/s 120B, 324, 448, 364, 364A, 365, 342, 506 read with Section 149 of of Indian Penal Code.
06.	Date of commencement of evidence	19-10-2024
07.	Date of completion of evidence	20-12-2025
08.	Date of Judgment	29-04-2026
09.	Opinion of Judge	Accused Nos. 2, 7, 9,11, 13 and 14 are acquitted.

::JUDGMENT::

Soladevanahalli Police have filed the charge sheet by alleging that the accused No.1 to 15 have committed the offences punishable under Sections 448, 365 365A, 506(B), 324, 342 read with Section 149 of Indian Penal Code.

2. Case of the prosecution in brief is as follows:

On 16-06-2004 at about 8.00 pm., in the night, the accused No.1 to 15 have joined hand-in-glove with one another and have colluded and conspired in between themselves at the premises bearing No.316, 3rd floor, Kurubara Sangha Building, Gandinagar, Bangalore-09 to wrongfully and illegally kidnap/abduct the complainant from his residence No.778, Hesaraghatta, Bangalore-88 and to take him to their custody at Horalakallu Mutt, which Horalakallu Mutt is situated very close to the above said Maralegavimutt, situated at Kanakapura Taluk and to kill and finish-off the complainant with an ulterior motive and with a dishonest, criminal intent to obtain, grab, and knock-off dishonestly, deliberately and fraudulently a portion of the land bearing Sy.No.15/1, measuring 2 acres and 17 guntas and another portion of the said land bearing Sy.No.45/1, measuring 3 acres and

20 guntas, situated at Bidadi Village, Ramanagara Taluk, hereinafter referred to as the schedule-C and Schedule-D properties, respectively, owned, possessed and enjoyed by the complainant as full, final and absolute owner thereof and the building, shed and such other structures built and constructed thereon by the complainant by spending lakhs and lakhs of rupees and that on the same day i.e., on 16-06-2004 at about 11.00 pm., in the night at the incitement and instigation of the accused Nos.1,2,3,4,5,6 & 7 and with the active support of their 57 associates, all of a sudden, the accused Nos.8,9,10,11,12,13,14 & 15 having possessed with deadly weapons, came rushing and tress-passed into the place where the complainant was standing in the back side varandah of his residence bearing No.778, Hesaraghatta, Bangalore-88 and forcibly kidnapped/abducted the complainant from his

residence threatening the complainant that they would kill him and the accused Nos.11 and 13 above named with the active support of the other 6 accused took the complainant, forcibly by an Autorickshaw, belonging to one Sri.Manikyappa of Hesaraghatta Village, to the place near BEL circle, Jalahalli, Bangalore-13, where the 6th and 12th accused are residing and the said Autorickshaw. In fact, followed by the other 6 accused sitting on four motor-bikes and that from there the accused No.8,9,10,11,12,13,14 and 15 took the complainant by a white Maruthi Car belonging to one Smt.Kumari the wife of one Bank Manager, who is non other than the close friend of Smt.Rajamma, the 6th accused to Horalakallu Mutt and kept the complainant under subjudgation at the above said Horalkallu Mutt, threatening the complainant that they would kill him and that on 17-06-2004, the accused Nos.1,8,9,10,11,12,13,14 & 15 having

possessed with deadly weapons, have deliberately, wilfully, intentionally, purposefully, dishonestly, malignantely, high handedly, mischievously and fraudulently obtained by force and at the threat of his life, the signatures of the complainant on some blank papers, agreements, printed forms, affidavits and documents etc., with an ulterior and corrupt high handed, stage managed, fraudulent and criminal intent to create, concoct, fabricate and manipulate illegal rights and titles in favour of the 1st accused or in favour of his nominee or nominees, in respect of and concerning the above mentioned schedule-C and schedule-D properties owned, possessed and enjoyed by the complainant as full, final and absolute owner thereof. The complainant has no other alternative except to sign all the blank papers, printed forms, agreements, affidavits and documents etc., that were placed before him at

Horalkallu Mutt. The 1st accused and other 8 accused persons were present, in actuality, compelled and forced the complainant to withdraw the criminal case and applications pending against them on the file of various courts and when the complainant refused to accede to their illegal and illicit and unlawful demands, the 1st accused Sri.Kalgni Rudramuni Swamy threatened the complainant in foul language.

3. On the basis of complaint lodged by CW1 in this regard, Soladevanahalli Police have registered the FIR in Crime No.53/2004. The Investigating Officer has proceeded to the spot, drawn the spot mahazar and recorded the statement of witnesses and after obtaining the wound certificate and after completion of investigation, CW16 filed the charge sheet before the jurisdictional Magistrate.

4. The jurisdictional Magistrate took the cognizance and registered the case in C.C.No.689/2005. The presence of the accused was secured and they were released on bail. After complying Section 207 of Cr.P.C., the learned Magistrate has committed the case to this court for trial, as the alleged offences are exclusively triable by this court.

5. After receipt of committal records from the learned CJM, Bangalore Rural District, Bengaluru, this court secured the presence of the accused and they were released on bail. This court heard the accused on charge and having found prima facie materials, charges were framed against the accused for the offence punishable under Sections 120B, 448, 365, 342, 364, 324, 506(B) read with Section 149 of Indian Penal Code. The accused pleaded not guilty and claimed to be tried.

6. To bring home the guilt of the accused, prosecution examined 6 witnesses as PW1 to 6 and got marked Ex.P1 to 7 documents.

7. The statement of the accused as provided under Section 313 of Cr.P.C., was recorded. The accused denied the incriminating evidence appearing against them and not offered any defence evidence on their behalf.

8. I have heard the arguments of learned Public Prosecutor and the learned counsel appearing for the accused.

9. From the above facts, the following points that arise for my considerations are:-

1. Whether the prosecution proves beyond all reasonable doubt that on 16-06-2004, at about 8:00 PM, in a room belonging to accused No.3 on the 3rd floor of the Kurubara Sangha building in Gandhinagar, Bengaluru, the accused No.1 Kalagnirudra Muniswamy illegally transferred the khata and pahani of 2 acres 17 guntas of land acquired through

sale and 3 acres 20 guntas of land acquired through sale agreement in Survey No. 45/1 of Badavi Village into his own name, which belonged to CW.1. After a lawsuit filed regarding this was dismissed, A1 filed a criminal case against CW1 and his followers. Enraged by this, A1, along with other accused persons 2, 7, 8, 9, 10, 11, 13, and 14, as well as Accused 6 and 12 (who have been split from this case), conspired to murder CW1 and thereby committed an offence punishable under Section 120B of the IPC?

2. Whether the prosecution further proves beyond all reasonable doubt that on the above said date and place, at about 11:00 PM, accused No.1 and accused No.2, 7, 9, 10, 11, 13, 14, and split-up Accused 6 and 12 trespassed into the house of CW1 in Hesaraghatta, Bengaluru North Taluk. They assaulted CW1 with lethal weapons and issued death threats and thereby committed an offence punishable under Section 324, 448 read with Section 149 of IPC?
3. Whether the prosecution further proves beyond all reasonable doubt that on the above said date, time and place, the accused No.1 and accused No.2, 7, 9, 10, 11, 13, 14, and split-up Accused 6 and 12

took CW1 in the auto-rickshaw of CW14 to BEL Circle, from there they took him in accused No.7 Maruti car to the Horalagallu Matha in Kanakapura Taluk, they kept CW1 in illegal confinement in the office of the Matha until 21-06- 2004, threatening his life and demanding he withdraw the criminal cases, during this time, accused No.1 crushed the little finger of CW1 with footwear, causing a bleeding injury, with the intention of misappropriating the property of CW1, they forcibly obtained his signatures on blank papers, agreements, affidavits, and various printed forms and thereby committed an offence punishable under Section 364, 364A, 365, 342, 506 read with Section 149 of the IPC?

4. What order?

10. My answers for the above points are as follows,

because of my below discussed reasons:

Point No.1 : In the Negative

Point No.2 : In the Negative

Point No.3 : In the Negative

Point No.4 : As per final order

for the following

R E A S O N S

11. **Point No.1 to 3:** To avoid the repetition of my discussion on facts, I have taken these points together for determination. The allegations against the accused is that on 16-06-2004, at about 8:00 PM, in a room belonging to accused No.3 on the 3rd floor of the Kurubara Sangha building in Gandhinagar, Bengaluru, the accused No.1 Kalagnirudra Muniswamy illegally transferred the khata and pahani of 2 acres 17 guntas of land acquired through sale and 3 acres 20 guntas of land acquired through sale agreement in Survey No. 45/1 of Badavi Village into his own name, which belonged to CW.1. After a lawsuit filed regarding this was dismissed, A1 filed a criminal case against CW1 and his followers. Enraged by this, A1, along with other accused persons 2, 7, 8, 9, 10, 11, 13, and 14, as well as Accused 6 and 12 conspired to murder CW1 and on the same day night at about 11:00 PM, accused No.1 and

accused No.2, 7, 9, 10, 11, 13, 14, and split-up Accused 6 and 12 trespassed into the house of CW1 in Hesaraghatta, Bengaluru North Taluk. They assaulted CW1 with lethal weapons and issued death threats and accused No.1 and accused No.2, 7, 9, 10, 11, 13, 14, and split-up Accused 6 and 12 took CW1 in the auto-rickshaw of CW14 to BEL Circle, from there they took him in accused No.7 Maruti car to the Horalakallu Matha in Kanakapura Taluk, they kept CW1 in illegal confinement in the office of the Matha until 21-06-2004, threatening his life and demanding he withdraw the criminal cases, during this time, accused No.1 crushed the little finger of CW1 with footwear, causing a bleeding injury, with the intention of misappropriating the property of CW1, they forcibly obtained his signatures on blank papers, agreements, affidavits, and various printed forms with an intention to murder him and accused also posed threat to kill them.

12. CW3, who was examined as PW1, deposed that about 20 years back his signature is appearing on Ex.P1 mahazar and when he has been to Police Station, police obtained his signature for the mahazar. PW1 further deposed that he does not know the contents of Ex.P1.

13. CW12, who was examined as PW2, deposed that CW1 is his neighbors. He does not know the accused. He does not know who caused what trouble for CW-1. He has not given any statement to the police.

14. CW13, 14, CW9 who were examined as PW3, PW4 & PW5 respectively, deposed that they do not know the accused. They do not know who caused what trouble for CW-1. They have not given any statement to the police.

15. CW16, who was examined as PW6, deposed that when he was working as a PI in Soladevanahalli Police Station, on 27-08-2004 CW1 appeared before the police station, lodged a complaint, on the basis of which, he has registered the FIR as per Ex.P1. On the same day, he has recorded the further statement of CW-1. PW6 further deposed that on 30-08-2004, he conducted the spot mahazar in the presence of panchas CW-2 and CW-3. On 11-09-2004, he has recorded the statements of CW-4 to CW-8 and CW-12 to CW-14. On 19-05-2005, he received the wound certificate and thereafter, filed the charge sheet.

16. The allegation against the accused is that on 16-06-2004 at about 11.00 pm., in the night at the instigation of accused No.1 to 6, the accused 7, 8 to 15 having possessed with deadly weapons, came rushing and trespassed into the place where the complainant

was standing in the back side varandah of his residence bearing No.778, Hesaraghatta, Bangalore-88 and forcibly kidnapped/abducted the complainant from his residence threatening the complainant that they would kill him and the accused No.11 and 13 above named with the active support of the other 6 accused took the complainant, forcibly by an Autorickshaw, belonging to one Sri.Manikyappa of Hesaraghatta village to the place near BEL Circle, Jalahalli, Bangalore-13, where the 6th and 12th accused are residing and the said Autorickshaw, in fact followed by the other 6 accused above named sitting on four motor-bikes and that from there the accused No.8 to 15 above named took the complainant by a white Maruthi Car belonging to one Smt.Kumari the wife of one Bank Manager, who is non other than the close friend of Smt.Rajamma, the 6th accused

above named to Horalakallu Mutt and kept the complainant under subjugation at the above said Horalkallu Mutt, threatening the complainant that they would kill him and that on 17-06-2004, the accused Nos.1, 8 to 15 above named, having possessed with deadly weapons, have deliberately, wilfully, intentionally, purposefully, dishonestly, malignantely, highhandedly, mischievously and fraudulently obtained by force and at the threat of his life, the signatures of the complainant on some blank papers, agreements, printed forms affidavits and document etc., with an ulterior motive and with dishonest malafide intention to grab and knock-off a portion of the land bearing Sy.No.45/1, measuring 2 acres and 17 guntas and another portion of the said land bearing Sy.No.45/1, measuring 3 acres 20 guntas, situated at Bidadi Village, Ramanagaram

Taluk, hereinafter referred to as the schedule C and schedule D properties, respectively owned, possessed and enjoyed by the complainant as full, final and absolute owner thereof and the building, shed and such other structures built and constructed thereon by the complainant by spending lakhs and lakhs of rupees.

17. According to complainant the alleged incident has taken place on 16-06-2004, but the complaint was lodged 27-08-2004. There is no explanation from the prosecution why there is an inordinate delay of 58 days to lodge the complaint. The complainant/injured who is the star witness in this case is no more and he is reported to be dead before the commencement of trial. The other material witnesses to prove the case of the prosecution is one Sri.Manikyappa, but the said witness was not cited as

a witness in this case. He was neither cited nor examined by the prosecution. The said Manikyappa is also the material witness to prove the case of the prosecution. According to prosecution, the complainant namely Honnananjappa/CW1 was forcibly kidnapped/abducted by the accused from his residence in an Autorickshaw belonging to the above said Manikyappa of Hesaraghatta Village to the place near BEL circle, Jalahalli, Bengaluru. But unfortunately the prosecution has neither cited the owner of said Autorickshaw Sri.Manikyappa as a witness nor the Autorickshaw was seized in this case.

18. One more material witness to the case of prosecution is Smt.Kumari who is none other than the close friend of Smt.Rajamma/accused No.6. According to prosecution, the accused took the complainant from Jalahalli by white Maruthi Car belonging to the above

said Smt.Kumari to Horalkallu Mutt and kept the complainant under subjugation at the above said Horalkallu Mutt, threatening the complainant that they would kill him. The said Smt.Kumari was not cited as a witness and examined her. There is no explanation from the prosecution side why they have not cited and examined the said witness before the court. Even the above said car was also not seized by the prosecution.

19. CW14/Ramesh has given a statement that the complainant is residing in a place called Hesaraghatta along with his wife Nagarathnamma and children namely Hemanthkumar, Lakshmish and Devaraj. But more interestingly, the wife of the complainant and children have not given any complaint regarding the alleged incident and the IO

has not made any enquiry about them. This fact is admitted by IO in his cross-examination.

20. Further one more important thing is IO has not seized any material objects in this case. Complainant has clearly stated in his complaint that on 16-06-2004 at about 11.00 pm., in the night at the instigation of accused No.1 to 6, the accused No.7, 8 to 15 having possessed with deadly weapons, came rushing and trespassed into the place where the complainant was standing in the back side varandah of his residence. But the IO has not made any attempt to seize those weapons. Hence non production of those material objects is also very much fatal to the case of prosecution.

21. There is also allegation against the accused is that on 22-06-2004 at about 3.00 am., in the early morning, the accused No.1 shifted the complainant

from Horalakall Mutt to the above said Belemutt, situated at cottonpet, Bangalore-53 and kept him under subjugation at Belemutt and on the same day i.e., 22-06-2004 at about 9.00 pm., in the night, the first and 2nd accused above named released the complainant from the above said Belemutt. But the IO has admitted in the cross-examination that he has not visited the said Belemutt and not enquired in the said Mutt, why they have kidnapped the complainant. Further it is the case of the complainant that he has been abducted with the dishonest intention of grabbing the land bearing Sy.No.45/1 measuring about 2 acres 17 guntas and 3 acres 20 guntas situated at Bidadi Village, Ramanagara Taluk. But the IO has not collected and produced any documents pertaining to the above said land.

22. Further admittedly there is a delay of 58 days in lodging the complaint. There is no explanation from the prosecution side why there is an inordinate delay in lodging the complaint.

23. The prosecution has examined spot mahazar witness as PW1/CW3. He has denied that Ex.P1 was drawn near the residence of complainant. Then two other witnesses i.e., PW2/CW12 and PW3/CW13 examined by the prosecution are the neighbors of the complainant. They have denied that on 16-06-1994 at about 11.00 pm., they came out of their house by hearing the screaming sound and they saw that the accused came near the house of complainant with deadly weapons and threatened the complainant and kidnapped him from his house. Then the witness CW14/PW4 and CW9/PW5 who have also denied the case of prosecution. Then the prosecution has

examined the investigating officer CW16 as PW6. He has admitted in the cross-examination that the wife of the complainant and children have not given any complaint regarding the alleged incident and the IO has not made any enquiry about them. This fact is admitted by IO in his cross-examination. It is also admitted by the IO that the allegation against the accused is that they have come to the house of CW1 with the deadly weapons, but he has admitted that he has not seized any material objects in this case.

24. According to prosecution the alleged Maruthi car in which the accused have taken the complainant belongs to one Kumari. Admittedly IO has not enquired her and even though her mobile number is mentioned in the complaint IO has not made an effort to call to her mobile number for confirmation.

25. According to complainant he has lodged complaint to the Deputy Commissioner of Police and to the Governor of Karnataka prior to filing of the present complaint. But IO has admitted that he has not received any directions either from the Deputy Commissioner of Police or from the Governor or from any of his higher officers to take action against the accused prior to this complaint.

26. Therefore, having regard to the evidence on record, this court is of the considered opinion that the evidence on record is not sufficient to conclude that the prosecution has proved its case beyond all reasonable doubt. Accordingly, the accused are entitled for benefit of doubt. In the result, I answered Point No.1 to 3 in the **Negative.**

27. Point No.4: For the reasons given to point No.1 to 3, I proceed to pass the following:

ORDER

The accused No.2, 7, 9,11, 13 and 14 are found not guilty.

Acting U/s 235(1) of Cr.P.C., the accused No.2, 7, 9, 11, 13 and 14 are acquitted for the offence punishable under Section 120B, 324, 448, 364, 364A, 365, 342, 506 read with Section 149 of Indian Penal Code.

Their Bail bond stands canceled.

The bail bond executed by accused No. 2, 7, 9, 11, 13 and 14 U/s 437(A) of Cr.P.C. shall be inforce for a period of six months from the date of judgment.

Office is directed to keep the original judgment in S.C.No.54/2016.

Office is directed to retain the original file for the trial of split up accused.

(Dictated to the Stenographer Grade-III directly on computer, typed by her corrected, signed and then pronounced by me in the open court on this the **29th day of April 2026**).

(Amritha S. Rao)

VIII Addl. District and Sessions Judge,
Bengaluru Rural District, Bengaluru.

ANNEXURE**Witnesses examined for prosecution**

PW.1– Hanumantharayappa

PW.2– Gowramma

PW.3– Suvarnamma

PW.4– Ramesh

PW.5– Bhageeratha

PW.6– Duggappa

Witnesses examined on behalf of defense :

Nil

Documents Admitted for Prosecution

Ex.P.1 - Mahazar

Ex.P.1(a) - Signature of P.W.1

Ex.P.2 - Statement

Ex.P.3 - Statement

Ex.P.4 - Statement

Ex.P.5 - Statement

Ex.P.6 - Complaint

Ex.P.7 - FIR

List of documents admitted for defense:-

Nil

List of materials objects marked for prosecution:

Nil

Sd/-

(Amritha S. Rao)

VIII Addl. District and Sessions Judge,
Bengaluru Rural District, Bengaluru.