

KABC030015722015



**IN THE COURT OF THE II ADDITIONAL CHIEF JUDICIAL
MAGISTRATE, BENGALURU CITY**

Dated this 28th day of July 2026

PRESENT : SRI.SAHEEL AHMED S. KUNNIBHAVI, B.Com., LL.B.
(Spl.)

II Additional Chief Judicial Magistrate, Bengaluru City

JUDGMENT UNDER SECTION 355 OF Cr.P.C.

1.	Sl. No. of the case	C.C.No.461/2015
2.	Date of commission of the offences (As per F.I.R.)	19.08.2013
3.	Name of the complainant	Siddapura Police Station, Bengaluru City
4.	Name of the accused	1. Salim, S/o Syed Abdul Subhan, Aged about 66 years, Owner of M.S.Builders & Developers, R/at No.54/17, 2 nd Cross, 2 nd Main, Lalji Nagar, Lakkasandra, Bengaluru. 2. Nanjappa Veerappa, S/o Late N. Veerappa, Aged about 56 years, Executive Engineer, BBMP, Hombegowda Nagar,

		Wilson Garden, Bengaluru. R/at No.19, 17th Cross, Agrahara Dasrahalli, Basaveshwaranagar, Bengaluru. 3. M.Santhosh Kumar, S/o M.Mallegowda, Aged about 27 years, Assistant Engineer, BBMP, Hombegowda Nagar, Wilson Garden, Bengaluru. R/at No.105, 7th Main Road, Avalahalli, BDA Layout, Girinagar, Bengaluru. 4. C.Panchaksharaiah, S/o Channabasavaiah, Aged about 57 years, Executive Engineer, BBMP, Hombegowda Nagar, Wilson Garden, Bengaluru. R/at No.11, 2nd Cross, Wilson Garden, Bengaluru.
5.	The offences complained of	Sections 304(A), 336, 337, 338, 417, 419, 420, 465, 468 and 471 of the Indian Penal Code
6.	Plea of the accused	Pleaded not guilty

7.	Final order	The accused persons are hereby acquitted
8.	Date of order	28.07.2026

The Police Inspector of Siddapura Police Station, Bengaluru has filed Police Report against the accused persons alleging that they have committed the offences punishable under Sections 304(A), 336, 337, 338, 417, 419, 420, 465, 468 and 471 of the Indian Penal Code.

2. It is the case of the Prosecution that on 19.08.2013 at about 10.30 a.m. when the informant PSI Sri.Mohan D.Patel CW1 was in his Station, got information that one construction building was collapsed situated at 9th Cross, Siddapura, Bengaluru. He was informed that the labours were stuck in the debris. Immediately, he had been to the place of the incident along with his staff and found that six storage building was completely collapsed and immediately he has informed his senior officials. He came to know during the course of enquiring with one of his labour by name Hanumantha, S/o Thayappa that since many days he was

working in the said building along with other labours. They used to take the said building as a shelter even during night hours. On 19.08.2013 at about 10.00 a.m. when they were preparing for the work, they heard crack sound. They were at that time at Ground Floor. Immediately he came along with his family members outside the building. But however his mother Nagamma and other were unable to come out of their building. Many labours were under debris and some were died and some got injured. The injured were shifted to the hospital and the dead body was taken out of the debris. The Contractor was not in the place of the incident. The accused by name Salim was constructing the building. Smt.Shahjan Begum was the partner of the said building. They have taken for the construction of Ground and two floors. They were trying to construct more floors than they were permitted and also constructing with low materials which is endager to the labours and also to the residence. They have not taken any precautionary measures which resulted in the collapse of the building. On these grounds, the SHO CW1 has lodged the

information against these accused who is the owner of the building and Engineer.

3. Based on the First Information of CW1, the crime was registered at Siddapura Police Station. The accused persons were arrested and released on bail. On completion of investigation, the Police Inspector of Siddapura Police Station, Bengaluru City filed Police Report against the accused persons alleging that they have committed the offences punishable under Sections 304(A), 336, 337, 338, 417, 419, 420, 465, 468 and 471 of the Indian Penal Code. After taking cognizance of the said offences, the process was issued to the accused persons. The copies of the Police Report and other prosecution papers are furnished to the accused persons under Section 207 of Cr.P.C. After hearing, since there were grounds for presuming that the accused persons have committed the offences triable by this Court, charges for the offences has been framed and read over to them in Kannada language. They have pleaded not guilty and claims to be tried.

4. To prove the charges framed against the accused, the Prosecution has produced the oral evidence of PW1 and PW2 and documentary evidences as per Ex.P1 to Ex.P4. After completion of the Prosecution evidences, for the purpose of enabling the accused persons personally to explain any circumstances appearing in the evidences of the Prosecution against him, examined them under Section 313 of Cr.P.C. They have submitted that they have no defense evidence.

5. Heard the arguments of learned Senior Assistant Public Prosecutor and the learned counsel for the accused persons. Perused the materials available on record.

6. The points for determination are;

1. Whether prosecution has proved beyond all reasonable doubts that the accused persons have committed the offences punishable under Sections 304(A), 336, 337, 338, 417, 419, 420, 465, 468 and 471 of the Indian Penal Code ?
2. What order or sentence?

7. My answers to the above points are as follows:

Point No.1 : In the Negative,

Point No.2 : As per final order for the following:-

REASONS

8. **POINT No.1** :- It is the case of the Prosecution that these accused are the owner and Engineer of the building who have taken permission for the construction of G+2 storage building. But however with an ulterior motive against the permission tried to construct more storage building with low quality materials without taking any precautions. The building was collapsed and number of labours were got injured and some of the labours were died under debris.

9. During the course of an investigation, the Investigation Officer has collected the documents in respect of the building, its permission, License and other documents. The Investigation Officer has recorded the voluntary statement of the witnesses and after due investigation the Final Report was submitted against these accused. It is alleged against these accused that accused No.1 being the owner of the

property has created forged documents for the construction along with its plan and permission. He has taken construction for six storage building without any due permission and against the actual plan. It is further alleged that accused No.2 with the complete knowledge of fake document being an Engineer has submitted to BBMP for approval.

10. It is further alleged against these accused that accused No.1 on 20.12.2012 has entered into Agreement of sale with the property owner of CW28 to CW30 in respect of Plot No.49 to 54. This accused No.1 before Agreement of sale by creating all the forged documents of the owner of CW28 to CW30 has applied for the sanction of the plan for G+2 construction. Accused No.2 was the Engineer of BBMP has though come across that all these documents are forged and created by this accused No.1 has permitted for the construction. Initially it was sanctioned for G+2 construction. But however the building was collapsed during the course of construction of six storage building. The SHO has alleged that he has

conducted detailed investigation before filing the Final Report against these accused.

11. I have carefully perused the documents relied by the Investigation Officer. The Investigation Officer has collected the property documents in respect of Site No.49 to 52.

12. It is the duty of the Investigation Officer to get the details of the property whether the said property was purchased by this accused No.1. Further, it is the duty of the Investigation Officer to get the information whether the original owners CW28 to CW38 in respect of Site No.49 to 54 were really transferred in the name of this accused No.1. It is the duty of the Investigation Officer how the accused No.1 was able to apply for the sanction of the plan during the year 2012 September when the Agreement was executed on 20.12.2012. It is the duty of the Investigation Officer whether this accused No.1 has really obtained permission for the construction of the building up to two storage. The Investigation Officer has to conduct investigation with an Expert to ascertain whether the accused No.1 was really

constructing the building up to six storeys against the valid permission. It is the duty of the Investigation Officer to send all the documents to the FSL whether this accused No.1 was really forged the signature of original owner CW28 to CW32 for the permission of the construction. The Investigation Officer has to conduct how the building has collapsed with the expert? Whether the accused No.1 has really used low quality materials for the construction? When the property belongs to CW28 to CW32 at the time of permission, how the accused No.1 was arrayed as culprit? The Investigation Officer has to collect the documents when the property was really transferred in the name of accused No.1. It is alleged against this accused No.2 that he was aware that accused No.1 has forged all the documents before submitting for the approval. How the accused No.1 was having a knowledge that this accused No.1 has submitted forged documents? But, it is unfortunate that the Investigation Officer without any investigation and with any documents has filed his Final Report. The documents filed along with the Final Report is the only xerox copy of the certification of examination issued

by State Forensic Laboration, Madiwala, Bengaluru. The Investigation Officer has produced the xerox of Certificates of Registration, Sale Deed and Khatha documents and all other documents are only in the nature of xerox. What was wrong with the Investigation Officer to produce the original copies of these documents is amisty before this Court. The only evidence available before this Courst is the statement of the witnesses. The Investigation Officer was so lathargic to collect the relevant and vital documents at the time of investigation. Neither there is a documents to show that accused No.1 was the owner of the property nor the document to show who is the owner of the property. Who has applied for the permission of the said construction. Whether the permission was issued for two storage building and it was violated is also not proved by the Prosecution. The SHO on 19.08.2013 has lodged the information. Till then, these accused are regular to the Court. Out of 63 witnesses, the Prosecution has examined only CW1 and CW20. But, the documents were marked is the only information as per Ex.P1 and spot panchanama as per Ex.P2.

13. This court has issued several summons and even warrant and also proclamation to secure the witnesses. But, when the Prosecution failed to examine CW3 to CW20 who are the vital witnesses before this Court, this court finds that there is no reason to issue further summons to the witnesses in the absence of lack of documents and evidence. Rejected the prayer of the learned Senior APP and the matter is posted for judgment. It can be conclude by saying tha the Prosecution utterly failed to prove the guilt of the accused beyond all reasonable doubts. Hence, I answer Point No.1 **in the Negative.**

14. **POINT No.2** :- For the reasons stated in Point No.1, the prosecution has not proved the guilt of the accused persons for the said offences beyond all reasonable doubts. Therefore, the accused persons are not found guilty for the offences punishable under Sections 304(A), 336, 337, 338, 417, 419, 420, 465, 468 and 471 of the Indian Penal Code. In the result, I proceed to pass the following:-

ORDERS

Under Section 248(1) of Cr.P.C, the accused persons are hereby acquitted for the offences punishable under Sections 304(A), 336, 337, 338, 417, 419, 420, 465, 468 and 471 of the Indian Penal Code.

Their bail bonds and surety bonds will be canceled after appeal period.

(Typed by the Stenographer in the Court Computer on my direct dictation, printout taken, corrected and then pronounced by me in the open court on 28.07.2026)

(SAHEEL AHMED.S.KUNNIBHAVI)
II Addl. Chief Judicial Magistrate,
Bengaluru City.

ANNEXURE**Witnesses Examined on behalf of Prosecution :-**

PW1 : Mohan D. Patel,
PW2 : Lakshman.

Documents marked on behalf of Prosecution :-

Ex.P1 : Police Report,
Ex.P1(a) : Signature,

Ex.P2 : Mahazar,
Ex.P2(a) : Signature,
Ex.P3 : Inquest Report,
Ex.P3(a) : Signature,
Ex.P4 : Search Warrant.

Material objects marked on behalf of Prosecution :-

NIL

Witnesses Examined on behalf of the accused :-

NIL

Documents marked on behalf of the accused :-

NIL

II ACJM, Bengaluru City.