KABC030181532018

Presented on : 13-03-2018
Registered on : 13-03-2018
Decided on : 01-04-2026
Duration : 8 years, 0 months, 19 days

IN THE COURT OF III ADDL. CHIEF JUDICIAL MAGISTRATE AT BENGALURU CITY

DATED THIS THE 1st DAY OF APRIL, 2026

PRESENT.
SRI. SIDDARAMA.S. M.A, LL.M.
III ADDL. CHIEF JUDICIAL MAGISTRATE
AT BENGALURU CITY
C.C.No.6608/2018

State by Karnataka		Ashokanagar Police Station, Bengaluru. (Represented by Sr. APP)
V/s		
Accused Person		Sri.Harish K.A S/o Anantha Padmanabharao, Aged about 42 years, R/at No.680, 4th Cross, Mahalakshmi Layout, Bengaluru City. (Reptd., by Sri.A.R.H., Advocate)

Name of the Complainant :		Sri.Shabharinathan.L S/o Lakshminarayana, R/at No.12/13, S-202, Lakshmi Layout, Banasawadi, Bengaluru City, Karnataka-560 043.
Date of offence		01.02.2016 to 20.07.2017
Date of offence reported		20.07.2017
Date of Commence of Evidence		16.03.2026
Date of Closure of Evidence		16.03.2026
Offence Committed		Under Section 406, 420, 465, 468, 471, 204 of IPC.
Opinion of Judge		Found not guilty.
Complainant by		Learned Senior Assistant Public Prosecutor.
Accused by		By Sri.A.R.H., Advocate

(SIDDARAMA.S.)
III ADDL. CHIEF JUDICIAL MAGISTRATE,
AT BENGALURU CITY.

J U D G M E N T

The PSI of Ashokanagar Police Station submitted charge sheet against the accused person for the offences punishable under sections 406, 420, 465, 468, 471, 204 of IPC.

2. The brief facts of the prosecution case is as follows:-

The case of the prosecution is that the accused person is a Manager in the Sales of movable assets and disposal department at SREI Equipment Finance Private Limited company situated at No.14, Langford Road, Langford Avenue Building. CW-16 was the head of the Karnataka State in the SREI Company. The accused person was created a fraudulent GPA claiming that the company has given him authority to dispose of the mortgaged immovable properties (GPA) by the defaulters of the loan. The accused person was shown the fraudulent GPA to CW-1 and CW-13 who are owners of Municipal No.10, Old No.15, P.I.D. No.77-106-10, Poornaprasad Road, Bengaluru City measuring about 8284.8 cubic meter worth about 30-40 crores and which is not come within the jurisdiction of the company informed them that he will sell the said property to CW-4 and CW-5 for Rs.16 Crores and on 02.02.2016 and made an agreement and received an amount of Rs.1,00,00,000/- and also received four DD of Rs.25,00,00/- each through CW1 account from the Andhra Bank, Gandhinagar Branch and IDBI Bank, Gandhinagar Branch. The accused person deposited the amount of Rs.2 crores to the SREI company which was given by CW-1 for purchase of the said building but the accused person informed that the said amount received from the sale of SREI companies' vehicles and thereby the accused person misappropriated the said amount and committed the criminal breach of trust and cheated the complainant and thereby the accused person has committed the criminal breach of trust and cheated the complainant and committed the above offences. After completion of the investigation the PSI of Ashokanagar Police Station has filed the charge sheet against the accused person for the offences punishable under sections 406, 420, 465, 468, 471, 204 of IPC.

3. Thereafter, the complainant has lodged the complaint in Ashokanagar Police station. In turn they have registered the case under Crime No.0291/2017. Thereafter, police visited the spot, drew the mahazar, secured in the presence of the accused person subsequently the accused person enlarged on bail. Thereafter, on completion of the investigation, I.O. has submitted the charge sheet against the accused person for the above said offences. After filing the charge sheet, Court has taken cognizance of the offences against the accused person and issued summons to him.

4. The accused person has appeared before the court through their counsel. Copy of the prosecution papers were furnished under Section 207 of Code of Criminal procedure. Thereafter, heard both side. The charges framed against the accused person for the offences punishable under sections 406, 420, 465, 468, 471, 204 of IPC. Read over and explained to the accused person was pleaded not guilty and claimed to be tried.

5. To substantiate the case of the prosecution, the prosecution have examined the one witness as PW-1 and got marked three documents as Ex.P-1 to Ex.P-3. The accused person did not choose to lead defense evidence. The statement of the accused person under Section 313 of Cr.P.C., is dispensed with.

6. Heard the arguments from both side and perused the deposition and documents.

7. After hearing the parties and on perusal of records, the following points arose for my consideration.

1. **Whether the prosecution proves beyond all reasonable doubt that the accused person is a Manager in the Sales of movable assets and disposal department at SREI Equipment Finance Private Limited company situated at No.14, Langford Road, Langford Avenue Building. CW-16 was the head of the Karnataka State in the SREI Company. The accused person was created a fraudulent GPA claiming that the company has given him authority to dispose of the mortgaged immovable properties (GPA) by the defaulters of the loan. The accused person was shown**

the fraudulent GPA to CW-1 and CW-13 who are owners of Municipal No.10, Old No.15, P.I.D. No.77-106-10, Poornaprasad Road, Bengaluru City measuring about 8284.8 cubic meter worth about 30-40 crores and which is not come within the jurisdiction of the company informed them that he will sell the said property to CW-4 and CW-5 for Rs.16 Crores and on 02.02.2016 and made an agreement and received an amount of Rs.1,00,00,000/- and also received four DD of Rs.25,00,00/- each through CW1 account from the Andhra Bank, Gandhinagar Branch and IDBI Bank, Gandhinagar Branch. The accused person deposited the amount of Rs.2 crores to the SREI company which was given by CW-1 for purchase of the said building but the accused person informed that the said amount received from the sale of SREI companies' vehicles and thereby the

accused person misappropriated the said amount and committed the offence punishable under section 406 of IPC?

2. **Whether the prosecution proves beyond all reasonable doubt that the above said date, place and time that the accused person is a Manager in the Sales of movable assets and disposal department at SREI Equipment Finance Private Limited company situated at No.14, Langford Road, Langford Avenue Building. CW-16 was the head of the Karnataka State in the SREI Company. The accused person for the purpose cheating was created a fraudulent GPA claiming that the company has given him authority to dispose of the mortgaged immovable properties (GPA) by the defaulters of the loan. The accused person was shown the fraudulent GPA to CW-1 and CW-13 who are owners of Municipal No.10, Old No.15, P.I.D. No.77-106-10,**

Poornaprasad Road, Bengaluru City measuring about 8284.8 cubic meter worth about 30-40 crores and which is not come within the jurisdiction of the company informed them that he will sell the said property to CW-4 and CW-5 for Rs.16 Crores and on 02.02.2016 and made an agreement and received an amount of Rs.1,00,00,000/- and also received four DD of Rs.25,00,00/- each through CW1 account from the Andhra Bank, Gandhinagar Branch and IDBI Bank, Gandhinagar Branch. The accused person deposited the amount of Rs.2 crores to the SREI company which was given by CW-1 for purchase of the said building but the accused person informed that the said amount received from the sale of SREI companies' vehicles and thereby the accused person committed the offence punishable under section 420 of IPC?

3. **Whether the prosecution proves beyond all reasonable doubt that the above said date, place and time that the accused person is a Manager in the Sales of movable assets and disposal department at SREI Equipment Finance Private Limited company situated at No.14, Langford Road, Langford Avenue Building. CW-16 was the head of the Karnataka State in the SREI Company. The accused person was created a fraudulent GPA claiming that the company has given him authority to dispose of the mortgaged immovable properties (GPA) by the defaulters of the loan. The accused person was shown the fraudulent GPA to CW-1 and CW-13 who are owners of Municipal No.10, Old No.15, P.I.D. No.77-106-10, Poornaprasad Road, Bengaluru City measuring about 8284.8 cubic meter worth about 30-40 crores and which is not come within the jurisdiction of**

the company informed them that he will sell the said property to CW-4 and CW-5 for Rs.16 Crores and on 02.02.2016 and made an agreement and received an amount of Rs.1,00,00,000/- and also received four DD of Rs.25,00,00/- each through CW1 account from the Andhra Bank, Gandhinagar Branch and IDBI Bank, Gandhinagar Branch. The accused person deposited the amount of Rs.2 crores to the SREI company which was given by CW-1 for purchase of the said building but the accused person informed that the said amount received from the sale of SREI companies' vehicles and thereby the accused person committed the offence punishable under section 465 of IPC?

4. **Whether the prosecution proves beyond all reasonable doubt that the above said date, place and time that the accused person is a Manager in the Sales of movable assets and**

disposal department at SREI Equipment Finance Private Limited company situated at No.14, Langford Road, Langford Avenue Building. CW-16 was the head of the Karnataka State in the SREI Company. The accused person was created a fraudulent GPA claiming that the company has given him authority to dispose of the mortgaged immovable properties (GPA) by the defaulters of the loan. The accused person was shown the fraudulent GPA to CW-1 and CW-13 who are owners of Municipal No.10, Old No.15, P.I.D. No.77-106-10, Poornaprasad Road, Bengaluru City measuring about 8284.8 cubic meter worth about 30-40 crores and which is not come within the jurisdiction of the company informed them that he will sell the said property to CW-4 and CW-5 for Rs.16 Crores and on 02.02.2016 and made an agreement and received an amount of

Rs.1,00,00,000/- and also received four DD of Rs.25,00,00/- each through CW1 account from the Andhra Bank, Gandhinagar Branch and IDBI Bank, Gandhinagar Branch. The accused person deposited the amount of Rs.2 crores to the SREI company which was given by CW-1 for purchase of the said building but the accused person informed that the said amount received from the sale of SREI companies' vehicles and thereby the accused person committed the offence punishable under section 468 of IPC?

5. **Whether the prosecution proves beyond all reasonable doubt that the above said date, place and time that the accused person is a Manager in the Sales of movable assets and disposal department at SREI Equipment Finance Private Limited company situated at No.14, Langford Road, Langford Avenue Building. CW-16 was the head of the**

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accused person deposited the amount of Rs.2 crores to the SREI company which was given by CW-1 for purchase of the said building but the accused person informed that the said amount received from the sale of SREI companies' vehicles and thereby the accused person committed the offence punishable under section 471 of IPC?

6. **Whether the prosecution proves beyond all reasonable doubt that the above said date, place and time that the accused person is a Manager in the Sales of movable assets and disposal department at SREI Equipment Finance Private Limited company situated at No.14, Langford Road, Langford Avenue Building. CW-16 was the head of the Karnataka State in the SREI Company. The accused person was created a fraudulent GPA claiming that the company has given him authority to dispose of the mortgaged**

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that the said amount received from the sale of SREI companies' vehicles and thereby the accused person destruction or concealment of the said documents/electronic records and thereby committed the offence punishable under section 204 of IPC?

7. **What order?**

8. Heard the arguments and perused the materials available on records.

9. My findings to the above points are as follows:

<u>POINT No.1</u>	**: In the NEGATIVE.**
<u>POINT No.2</u>	**: In the NEGATIVE.**
<u>POINT No.3</u>	**: In the NEGATIVE.**
<u>POINT No.4</u>	**: In the NEGATIVE.**
<u>POINT No.5</u>	**: In the NEGATIVE.**
<u>POINT No.6</u>	**: In the NEGATIVE.**
<u>POINT No.7</u>	**: As per final order, for the following:-**

R E A S O N S

10. **Point Nos.1 to 6:-** These above points are inter-linked with each others and required similar type of appreciation of evidence, Hence, they are taken together for common discussion.

11. In support of its case, the prosecution has examined one witness, the PW-1 is the complainant and got marked three documents i.e., Ex.P-1 is the Complaint, Ex.P-2 is the Spot Mahazar and Ex.P-3 is the statement of PW-1.

12. The case of the prosecution is that the accused person is a Manager in the Sales of movable assets and disposal department at SREI Equipment Finance Private Limited company situated at No.14, Langford Road, Langford Avenue Building. CW-16 was the head of the Karnataka State in the SREI Company. The accused person was created a fraudulent GPA claiming that the company has given him authority to dispose of the mortgaged immovable properties (GPA) by the defaulters of the loan. The accused person was shown the fraudulent GPA to CW-1 and CW-13 who are owners of Municipal No.10, Old No.15, P.I.D. No.77-106-10, Poornaprasad Road, Bengaluru City measuring about 8284.8 cubic meter worth about 30-40 crores and which is not come within the jurisdiction of the company informed them that he will sell the said property to CW-4 and CW-5 for Rs.16 Crores and on 02.02.2016 and made an agreement and received an amount of Rs.1,00,00,000/- and also received four DD of Rs.25,00,00/- each through CW1 account from the Andhra Bank, Gandhinagar Branch and IDBI Bank, Gandhinagar Branch. The accused person deposited the amount of Rs.2 crores to the SREI company which was given by CW-1 for purchase of the said building but the accused person informed that the said amount received from the sale of SREI companies' vehicles and thereby the accused person misappropriated the said amount and committed the criminal breach of trust and cheated the complainant and thereby the accused person has committed the criminal breach of trust and cheated the complainant and committed the above offences. After completion of the investigation the PSI of Ashokanagar Police Station has filed the charge sheet against the accused person for the offences punishable under sections 406, 420, 465, 468, 471, 204 of IPC.

13. In the instant case the PW-1 has turned hostile to the prosecution case and not supported to the prosecution case. During the course of cross examination by the learned Sr. APP nothing has been elicited from his mouth.

14. In this case, the prosecution has failed to elicit anything favorable to it to prove the allegations against the accused person under sections 406, 420, 465, 468, 471, 204 of IPC. When these being the facts, I am of the opinion that in total the prosecution has failed to bring home the guilt of the accused person beyond all reasonable doubt. In view of the same, this court hold **Point Nos.1 to 6 in the Negative.**

15. **Point No.7**: For the reasons stated and finding given to point Nos.1 to 6, the following is made.

O R D E R

The accused person is not found guilty for the offences punishable under section 406, 420, 465, 468, 471, 204 of IPC.

Acting under section 248(1) of Code of Criminal Procedure the accused person is hereby acquitted for the offences punishable under section 406, 420, 465, 468, 471, 204 of IPC.

The bail bond and surety bond executed by him stand canceled.

(Directly dictated to the stenographer on computer, typed by him, revised, corrected and then pronounced by me in the open Court on this the 1st day of April, 2026).

(SIDDARAMA.S.)
III ADDL. CHIEF JUDICIAL MAGISTRATE,
AT BENGALURU CITY.

ANNEXURE

1. **List of witnesses examined for the prosecution**:
   PW-1 : Sri.Gangaraju H.D. S/o Devanna.
2. **List of witnesses examined for the defense:**
   - NIL -
3. **List of documents exhibited for the prosecution**:
   Ex.P-1 : Complaint dated 20.07.2017
   Ex.P-1(a) : Signature of PW-1;
   Ex.P-2 : Spot Mahazar;
   Ex.P-2(a) : Signature of PW-1;
   Ex.P-3: Statement of PW-1.

4. **List of documents exhibited for the defense:**

- NIL -

5. **List of Materials objects exhibited for the prosecution**:

- NIL -

(SIDDARAMA.S.)
III ADDL. CHIEF JUDICIAL MAGISTRATE,
AT BENGALURU CITY.