

KABC030425192015



**IN THE COURT OF THE I ADDL.CHIEF JUDICIAL
MAGISTRATE, BENGALURU**

Dated: This the 05th day of June 2026

PRESENT: **SRI.MANJUNATHA.K.P.,**
B.A.L., LL.B.,
I Addl.Chief Judicial Magistrate, Bengaluru.

C.C.No.14920/2015

COMPLAINANT :-

State by High Grounds P.S

(State by Sr.APP)

ACCUSED :-

1. Rohith (**Split up**)
2. Athaullah Kharib
S/o. Zaheeruddin,
Aged about 22 years,
R/at. C/o. Amanullah Khan
& Sons Gate No.1
Palya Gate, Palace Grounds,
Mekhri Circle, Bengaluru
3. Ameeruddin (**Split-up**),
4. Ajith Sunar S/o. Poorna Sunar,
Aged about 27 years,
R/at. C/o. Amanullah Khan
& Sons Gate No.1

Palya Gate, Palace Grounds,
Mekhri Circle, Bengaluru

5. Nagaraj (**Split-up**),

6. Raju (**Split-up**)

(By Sri. , Adv.,)

JUDGMENT

This case arise out of charge-sheet filed by the High Grounds P.S against the accused No.1 to 6 for the offences punishable U/s.143, 144, 324 R/w.Sec.149 of IPC.

2. The sum and substance of the case of the prosecution is as under:-

The case of prosecution is that on 30.12.2014 at about 8.30 P.M near Tripuravashini Compounds, Place Grounds White Petal, J.C Road Compound within the jurisdiction of High Grounds police station the accused No.1 to 6 in furtherance of common object were members of unlawful assembly and armed with any deadly weapons and voluntarily caused hurt to CW.4 with club, wicket and wooden repiece on his head, face, back, hands, legs. In pursuance of the complaint I.O has filed charge-sheet against accused No.1 to 6 for the aforesaid offences.

3. The accused No.2 and 4 are on bail and represented by their counsel, after complying with the

provision of Sec.207 of Cr.P.C., and on hearing both sides, charge was framed, read-over and explained to the accused for which they pleaded not guilty and claimed to be tried. Hence, case was posted for prosecution evidence. Accused No.1, 3, 5 and 6 are absconding, hence case against accused No.1, 3, 5 and 6 is split-up.

4. In order to prove the prosecution has examined PW.1 and PW.2 and got exhibited Ex.P.1 document. In spite of repeated process including summons, proclamation, rest of the prosecution witnesses have not secured. Hence, the predecessor of this court after granted sufficient opportunities, evidence of said witnesses orders to be dropped.

5. The statement U/Sec.313 of Cr.P.C., was recorded, read over, explained to the accused No.2 and 4 for which they pleaded not guilty and denied the incriminating circumstances which appeared against them. Thereafter called upon them to enter into defence evidence, to which they submit no defence evidence to make and to file statement under Sec.(5) of Cr.P.C.,

6. Heard the arguments. Perused the documents on record.

7. The following points do arise for my consideration:-

1. Whether the prosecution proves beyond reasonable doubt that on 30.12.2014 at about 8.30 P.M near Tripuravashini Compounds, Place Grounds White Petal, J.C Road Compound within the jurisdiction of High Grounds police station the accused No.1 to 6 in furtherance of common object were members of unlawful assembly and armed with any deadly weapons and thereby committed an offence punishable U/s.143, 144 R/w.Sec.149 of IPC?

2. Whether the prosecution proves beyond reasonable doubt that on the above mentioned date, time and place the accused No.1 to 6 in furtherance of common object have voluntarily caused hurt to CW.4 with club, wicket and wooden repiece on his head, face, back, hands, legs and thereby committed an offence punishable U/s.324 R/w.Sec.149 of IPC?

3. What order?

8. For the reasons to be stated herein after, I answer the above points as follows:

Point No.1 and 2 - In the Negative

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

REASONS

9. **Point No.1 and 2:-** As these points are inter related to each other, hence they taken together for common discussion to avoid brevity.

10. Admittedly to prove the prosecution case prosecution examined CW.5/PW.1 – Mohammad Mujahid and CW.12/PW.2 – Mohan Kumar retired A.S.I and prosecution also exhibited Ex.P.1/report.

11. During the course of arguments Ld.Sr.APP and accused counsel argued as per the evidence and prays to dispose the case.

12. Admittedly to prove the prosecution case prosecution has examined PW.1 – Mohammad Mujahid in his evidence stated that he know the CW.4 and CW.7 and he has not aware about the accused.

13. The PW.2/Mohan Kumar who is ASI stated before the court that himself and CW.11 appointed for trace out of accused and after searching they find the accused and produced before the CW.14 and given Ex.P.1/ report

14. So, except evidence of PW.1 and PW.2 prosecution has not secured the rest of the witnesses and this case is for the year 2015 one of the oldest 11 years case in this court. Hence, this court after granted sufficient opportunities the rest of the prosecution witnesses evidence is as taken as dropped.

15. Further, I am of the opinion that, PW.1 was not stated any incriminating evidence and PW.2 who is part Investigation Officer, he simply identified Ex.P.1 document before the court and he has not stated any incriminating evidence against the accused. That means how and in what manner accused No.2 and 4 have formed unlawful assembly along with other accused and committed rioting and assaulted and voluntarily caused hurt to CW.4 as per charge-sheet materials. Further admittedly CW.1/complainant himself has not secured and has not been proved in this case.

16. So, in the absence of proof of said facts merely prosecution has examined PW.1 and PW.2 witnesses and Ex.P.1 document is marked are all not sufficient to convict the accused. Accordingly, I am of the opinion that prosecution has miserably failed to prove it's case beyond reasonable doubt as per the ingredients of sec.143, 144, 324 R/w.Sec.149 of IPC. Accordingly, I am of the opinion that accused No.2 and 4 are entitled for benefit of doubt as they have not found guilty. Hence, my answer on points No.1 to 3 in the **NEGATIVE**.

17. **Point No.4:-** From the discussions on foregoing points, this court opined that prosecution has failed to establish the guilt of the accused punishable under the alleged sections of Penal Code. Therefore, I proceed to pass the following:

ORDER

Accused No.2 and 4 are not found guilty.

Acting U/s.248(1) Cr.P.C., I hereby **ACQUIT** the accused No.2 and 4 of the offences punishable U/s.143, 144, 324 R/w.sec.149 of IPC.

The bail bond of the accused No.2 and 4 and that of their surety stands cancelled.

(Dictated by me, typed by the steno, same was corrected by me and then pronounced in open Court on this the 05th day of June – 2026).

(Manjunatha.K.P)
I ACJM, BENGALURU

ANNEXURES	
LIST OF WITNESSES EXAMINED ON BEHALF OF PROSECUTION:-	
PW.1	Mohammad Mujahid
PW.2	Mohan Kumar
LIST OF EXHIBITS MARKED ON BEHALF OF PROSECUTION:-	
Ex.P.1	Report
Ex.P.1(a)	Signature of PW.2
LIST OF MATERIAL OBJECTS GOT MARKED :-	
NIL	
LIST OF WITNESSES EXAMINED ON BEHALF OF DEFENCE:-	
NIL	
LIST OF EXHIBITS MARKED ON BEHALF OF DEFENCE :-	
NIL	

(Manjunatha.K.P)
I ACJM, BENGALURU

05.06.2026

State by APP
Accused No.2 and 4
For Judgment

(Judgment passed separately in the Open Court)

ORDER

Accused No.2 and 4 are not found guilty.

Acting U/s.248(1) Cr.P.C., I hereby **ACQUIT** the accused No.2 and 4 of the offences punishable U/s.143, 144, 324 R/w.sec.149 of IPC.

The bail bond of the accused No.2 and 4 stands cancelled.

The cash security offered by accused No.2 and 4 for their release on bail shall be refunded on proper identification.

I Addl.CJM

