

KABC0C0367322025



Presented on : 23-09-2025
Registered on : 23-09-2025
Decided on : 05-03-2026
Duration : 0 years, 5 months, 12 days

IN THE COURT OF THE XXIX ADDL.C.M.M
MAYOHALL UNIT, BENGALURU

-: Present :-

Sri. Girish Chatni,
B.A., LL.B(Spl)

XXIX Addl. Chief Metropolitan Magistrate, Bengaluru.

Dated: This the 05th Day of March, 2026

CRIMINAL CASE No.70892/2025

The State by
Mahadevapura Police Station.

... **Complainant.**

(By Learned Assistant Public Prosecutor)

// Versus //

Abhinav Pubbi,
S/o. Shusheel Kumar Pubbi,
Aged about 30 years.
R/at. Garudacharapalya,
Bengaluru City,
Karnataka.

... **Accused**

(By Sri.B.Sundar, Advocate,)

Date of commission of offence	:	11.05.2025
Date of report of offence	:	23.09.2025
Name of the complainant	:	Dhriti Vyas
Date of recording evidence	:	07.02.2026
Date of closing evidence	:	07.02.2026
Offences complained of	:	Secs. 78(2), 115(2), 126(2), 351(2), 352 of BNS.
Opinion of the Judge	:	Accused found not guilty.

(GIRISH CHATNI)
XXIX ACJM, BENGALURU

JUDGMENT

The P.S.I., of Mahadevapura Police Station, Bengaluru, has filed the present charge sheet against the accused alleging the commission of the offence

punishable under Secs. 78(2), 115(2), 126(2), 351(2), 352 of BNS.

2. **BRIEF FACTS OF THE PROSECUTION CASE ARE AS UNDER:-**

It is the case of the complainant that, accused was resided at Yellow Co-living PG situated at Agrahara in the year 2024, got introduced the CW.1, thereafter kept love proposal with the complainant. It is further alleged that, CW.1 refused for the said love proposal, thereafter, the accused under the influence of alcohol called CW.1 and forced CW.1 to make love with him. It is further alleged that, thereafter, the accused went to the office of CW.1 and talked badly about CW.1. Such being the case, CW.1 was shifted to Local Store PG. It is further alleged that, on 10.05.2025 at 8.30 PM, when CW.1 was standing at basement of the PG, accused forcibly talked with CW.1, when she came to PG, wrongfully restrained her. It is further alleged that, CW.2 came over there and asked the accused, he shouted at CW.2, thereafter CW.1 started to make videography of the incident, the accused snatched the mobile of CW.1 and thrown down, assaulted CW.2 by hands and face, CW.1 and 2 got

escaped, the accused followed CW.1 and 2 abused him in filthy language and threatened them with dire consequences. It is further alleged that, CW.1 to 3 went to the accused, he assaulted CW.1 to 3 by hands. Based on the written complaint lodged by C.W.1, CW.10 has registered the case against accused in P.S. Crime No.276/2025 for the offence punishable under sections 78(2), 115(2), 126(2), 351(2), 352 of BNS. Investigating Officer/CW.10 investigated the matter and after completion of the investigation has submitted final report against the accused for the offence punishable under sections 78(2), 115(2), 126(2), 351(2), 352 of BNS.

3. Upon receipt of charge sheet, cognizance was taken for the above said offences alleged against the accused and registered the criminal case against him.

4. After registering the case, the accused has appeared before the court and was released on bail. Copy of the final report and it's enclosures were furnished to him in compliance of section 207 of Cr.P.C. Sufficient grounds were made out to frame charges.

Hence, charges framed and read over to the accused. He pleaded not guilty and claimed to be tried.

5. In order to prove the guilt of the accused, the prosecution has examined three witnesses out of 10 witnesses cited in the charge sheet as P.W.1 to 3 and relied upon documents as per Ex.P.1 to Ex.P.7 and closed its side. In lieu of absence of incriminating circumstances appearing against accused, his examination as provided under section 313 of Cr.P.C. was dispensed with.

6. Heard both sides. Perused the materials on record.

7. The points that arise for my consideration are;

1. Whether the prosecution proves beyond all reasonable doubt that, accused was resided at Yellow Co-living PG situated at Agrahara in the year 2024, got introduced the CW.1, thereafter kept love proposal with the complainant, CW.1 refused for the said love proposal, thereafter, the accused under the influence of alcohol

called CW.1 and forced CW.1 to make love with him, thereafter, the accused went to the office of CW.1 and talked badly about CW.1, such being the case, CW.1 was shifted to Local Store PG, on 10.05.2025 at 8.30 PM, when CW.1 was standing at basement of the PG, accused forcibly talked with CW.1, when she came to PG and wrongfully restrained her and thereby committed an offence punishable U/s.126(2) of BNS?

2. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, the accused followed CW.1 and stalked by forcing her to love with him and thereby committed an offence punishable under section 78(2) of Indian Penal Code ?
3. Whether the prosecution proves beyond all reasonable doubt that, on the above mentioned date, time and place, accused assaulted CW.2 and 3 by hands and

caused simple injuries and thereby committed an offence punishable under section 115(2) of BNS?

4. Whether the prosecution proves beyond all reasonable doubt that, on the above mentioned date, time and place, accused abused CW.1 and 2 in filthy language and thereby committed an offence punishable under section 351(2) of BNS?
5. Whether the prosecution proves beyond all reasonable doubt that, on the above mentioned date, time and place, accused threatened CW.1 and 2 with dire consequence and thereby committed an offence punishable under section 352 of BNS?
6. What Order?
8. My findings on the above points are as under:

Point Nos.1 to 5 : In the Negative.

Point No.6 : As per the final order
for the following;

REASONS**9. POINT Nos.1 to 5 :-**

As these five points are interlinked, I have taken up these points together for common discussion to avoid repetition of facts & evidence.

In order to bring home the guilt of the accused, the prosecution has examined the complainant/victim/C.W.1 as P.W.1 and independent witness/eye witness/injured i.e., CW.3 and 2 as PW.2 and 3 respectively and relied upon seven documents.

10. On perusal of the materials available on record, it reveals that, the complainant/victim, injured witnesses i.e., PW.1 to 3 have denied the case of the prosecution by denying the contents of the complaint, spot mahazar, statements which have been marked as per Ex.P.1, 2, 5 to Ex.P7. Though, the learned Asst. Public Prosecutor has cross-examined the P.W.1 to 3 at length, failed to elicit anything in support of the case of the prosecution.

11. On perusal of the oral & documentary evidence of P.W.1 to 3, they have categorically admitted that, they have compromised the matter with the

accused. In view of the evidence of P.W.1 to 3, since the matter was compromised, the prayer of the learned Asst. Public Prosecutor for issuance of witness summons to other witnesses was rejected as no purpose would be served. As the P.W.1 to 3 have turned hostile to the case of the prosecution, the evidence on record is not at all helpful to substantiate the guilt of the accused. Hence, there is no cogent and convincing evidence against the accused. Accordingly, the benefit of doubt has to be extended to the accused and hence, **the Point Nos.1 to 5 are answered in the “Negative”**.

12. **Point No.6:-** In view of the findings on above points, I proceed to pass the following;

ORDER

Acting under section 271(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, the accused is acquitted of the offence punishable under sections 78(2), 115(2), 126(2), 351(2), 352 of BNS.

The Bail bond of the accused shall be in force for the period of 6 months

**and thereafter it shall be canceled
without further orders.**

(Dictated to the Stenographer directly on computer and typed by her, corrected by me and then signed and pronounced in the Open Court on this date the 05th day of March, 2026.)

**(GIRISH CHATNI)
XXIX ACJM, BENGALURU**

ANNEXURE

1.	<u>LIST OF WITNESSES EXAMINED FOR THE PROSECUTION :</u>		
	P.W.1	:	Dhriti Vyas
	P.W.2	:	Madhav Kumar
	P.W.3	:	Aman Jain
2.	<u>LIST OF EXHIBITS MARKED FOR THE PROSECUTION :</u>		
	Ex.P.1	:	Complaint
	Ex.P.1(a)	:	Signature
	Ex.P.2	:	Spot Panchanama
	Ex.P.2(a)	:	Signature
	Ex.P.3	:	Statement of PW.1 recorded before Magistrate
	Ex.P.4	:	Notice
	Ex.P.4(a)	:	Signature

	Ex.P.5	:	Further Statement of PW.1
	Ex.P.6	:	Statement of PW.2
	Ex.P.7	:	Statement of PW.3

3.	<u>LIST OF WITNESSES EXAMINED FOR THE ACCUSED :</u>
	-NIL-

4.	<u>LIST OF EXHIBITS MARKED FOR THE ACCUSED :</u>
	-NIL-

5.	<u>LIST OF M.OS. MARKED ON BEHALF OF PROSECUTION :</u>
	-NIL-

(GIRISH CHATNI)
XXIX ACJM, BENGALURU