

KABR010046302022



**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, BENGALURU RURAL DISTRICT,
BENGALURU**

Present:

Smt. B.S. Rekha, B.A.(Law), LL.M.
Prl. District & Sessions Judge,
Bengaluru Rural District, Bengaluru.

Dated this the 17th day of March, 2026.

Sessions Case No.219/2022

Complainant:- State by Thalaghattapura Police,
Bengaluru Rural District.

(By learned Public Prosecutor)

-VERSUS-

Accused:- A.1 Chethan,
S/o Shankaranna,
Aged about 30 years,
R/at: Opp. Amod Apartment,
7th Cross, Doddakammanahalli,
Gottigere,
Bengaluru.

A.2 Santosh Kumar,
S/o Shiva Poonacha,
Aged about 35 years,
R/at: Near Kaverappa's
Hallow bricks,
Doddakammanahalli,

Gottigere, Bengaluru.

A.3 Deepak Kumar,
S/o Late Ramaswamy,
Aged about 27 years,
R/at: Near Kaveramma Temple,
Ambedkar Colony,
Doddakammanahalli,
Gottigere, Bengaluru.

A.4 Gowtham,
S/o Late Nagaraj,
Aged about 26 years,
R/at: Near Kaveramma Temple,
Ambedkar Colony,
Doddakammanahalli,
Gottigere, Bengaluru.

A.5 Manjunatha
(Split-Up)

(By Sri D.M.L., Advocate)

1.	Date of commission of offence	03.08.2022
2.	Date of report of occurrence	03.08.2022
3.	Whether accused are in custody or on bail.	On bail
4.	If in custody from which date	-
5.	Date of commencement of Evidence	23.07.2025
6.	Date of closing of evidence	13.11.2025
8.	Name of the Complainant	Sri Jyothirlinga Honakatti, Police Inspector, CCB.

9.	Offence complained of	U/Ss.399 & 402 of Indian Penal Code.
10.	Opinion of the Judge	Accused No.1 to 4 are found not guilty of offences punishable U/Ss.399 & 402 of IPC.
11.	Order/Result	As per final order

J U D G M E N T

The Sub-Inspector of Police, Kaggalipura police station, Bengaluru Rural District has filed charge-sheet against accused persons alleging the offences punishable U/Ss.399 & 402 of Indian Penal Code.

2. The case of prosecution in nutshell is that on on 03.08.2022 at about 05.00 p.m., C.W.1 received credible information that at Amrutha Nagara Main road, BDA Layout, Near Nice Road Bridge within the limits of Thalaghattapura Police Station, accused No.1 to 4 along with absconded accused No.5 were making preparations to commit dacoity of the passerby by holding deadly weapons like iron sickle, wooden club and chilly-powder packet. Based on the

said information, C.W.1 informed about the information he gathered to C.W.2 & 3-panchas and to his staff and they had been to said place and confirmed that accused persons were making preparations to commit dacoity and then, he along with his staff-C.W.4 to 7 have conducted raid on them and caught hold accused No.1 to 4; he had drawn panchanama and seized the deadly weapons in presence of C.W.2 & 3; C.W.1 returned to police station and produced the seized articles and accused No.1 to 4 before C.W.8 along with report cum complaint and C.W.8 did the further procedure of investigation and thereby, accused persons have committed the aforesaid offences.

3. After receipt of the charge-sheet, learned II Addl. Chief Judicial Magistrate, Bengaluru Rural District, Bengaluru has complied with S.209 Cr.P.C., and committed the charge-sheet and other materials in C.C.No.20440/2022 to this Court vide order dated

15.09.2022 against accused No.1 to 4 as the offences alleged against accused persons under Ss.399 & 402 IPC are exclusively triable by this court of Sessions. The case against accused No.5 is split-up before Committal court only and is registered in C.C. No.22574/2022. Now, only accused No.1 to 4 are facing trial in this case in S.C. No.219/2022.

4. The accused No.1 to 4 are on bail.

5. After committal, after hearing arguments of both sides, as there were materials to frame charge, this court has framed charge against accused persons alleging the offences punishable U/Ss.399 & 402 of Indian Penal Code. After understanding the contents of charge, read-over and explained to accused in the language known to them, they pleaded not guilty and claimed trial.

6. In order to prove its case, prosecution has examined 5 witnesses as P.W.1 to P.W.5, got marked Ex.P.1 to 6, marked M.O.1 to 4 and closed its side.

7. Statement of accused No.1 to 4 U/S.313 Cr.P.C., is recorded after completion of the evidence of prosecution by putting incriminatory evidence against them, which were found in the evidence of prosecution witnesses and accused No.1 to 4 have denied the prosecution case in toto in the said statement.

8. On perusal of the evidence of prosecution, examination of accused No.1 to 4 U/S.313 Cr.P.C., and hearing arguments of both sides, this court holds that this is not the fit case to acquit accused No.1 to 4 U/S.232 Cr.P.C., for the offences punishable U/Ss.399 & 402 of Indian Penal Code. Hence, the case is posted for defence evidence. However, accused No.1 to 4 and their learned counsel submitted that there is no defence evidence on their behalf.

9. Accused No.1 to 4 to comply with S.437-A of Cr.P.C, within one week from the date of this order and furnish surety for their due presence even-after disposal

of this case for a period of six months or if any appeal is preferred before higher Courts, till disposal of the appeal.

10. Heard arguments of both sides.

11. From the above facts, the points that arise for consideration are:

1. *Whether the prosecution proves beyond reasonable doubt that on 03.08.2022 at about 05.00 p.m., at Amrutha Nagara Main road, BDA Layout, Near Nice Road Bridge within the limits of Thalaghattapura Police Station, accused No.1 to 4 along with absconded accused No.5 were making preparations to commit dacoity of the passerby by holding deadly weapons like iron sickle, wooden club and chilly-powder and thereby, committed the offence punishable U/S.399 IPC?*
2. *Whether the prosecution further proves beyond reasonable doubt that, on the same date, time and place, accused No.1 to 4 along with absconded accused No.5 have*

assembled for the purpose of committing dacoity by holding deadly weapons like iron sickle, wooden club and chilly-powder and thereby committed the offence punishable U/S.402 IPC?

3. *What order?*

12. Finding of this Court on the above points are as under:-

Point No.1 & 2: In the ***Negative;***

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

REASONS

13. **Point No.1 & 2:-** These points are considered together, as they require common discussion for the sake of convenience and clarity.

14. The case of prosecution is narrated in detail hereinabove.

15. P.W.1-Jyothirlinga Chandram Honakatti is the then Police Inspector of CCB, Bengaluru who conducted raid on the spot as per the credible

information received by him; P.W.2-Manu is the PC who accompanied P.W.1 and was present at the time of raid; P.W.3-Rahul Singh and P.W.4-Pavan are the panch witnesses & P.W.5-Satish, the then PSI of Thalaghattapura police station is the Investigating Officer who has completed the investigation and filed charge-sheet against the accused persons.

16. The sum and substance of the oral evidence of P.W.1-Jyothirlinga Chandram Honakatti reveals that on 03.08.2022 at 5.00 p.m., when he was in the office, he received credible information that near NICE Road Bridge at Amrutha Nagara Main Road, BDA Layout, some 5 miscreants by holding deadly weapons were making preparations to commit dacoity. Immediately from his staff, he called C.W.2 and 3-Rahul and Pavan as panchas. Afterwards, he has given information which he gathered to C.W.2 and 3 and also to his staff-C.W.4 to 7. He has issued panch notice to C.W.2 and 3 as per Ex.P.1. Afterwards, by

taking C.W.2 to 7 in his police jeep, they had been to said spot and reached the said spot at about 6.45 p.m. They hide themselves about 50 meters from the spot of incident and observed about those persons. He confirmed about the information he gathered that they are making preparations to commit dacoity.

17. P.W.1 has further deposed that himself and C.W.4 to 7 surrounded them and able to caught hold 4 amongst 5 and 5th one escaped from said spot. He enquired the names and addresses of caught hold 4 persons. Accused No.1-Chetan possessed a sickle; accused No.2-Santhosh possessed a sword; accused No.3-Deepak possessed a club and accused No.4-Gowtham possessed a chilly powder packet. He also enquired the name and address of the escaped accused No.5.

18. P.W.1 has further deposed that he has seized the above articles from accused No.1 to 4; he put them

in separate white cloth bags, stitched them and sealed them with English letters 'OCW' and also pasted the chits containing signatures of panchas and himself on those white cloth bags. He can identify those articles. Said sickle was 15 inches in length and sword was 18 inches in length and its hand's perimeter was 1½ inch.

19. P.W.1 has further deposed that the sickle, sword, club and chilly powder packet are marked as M.O.1 to 4 respectively. He has drawn panchanama as per Ex.P.2 and computerized it in the Laptop, took its printout from portable printer from 6.50 to 8.15 p.m., and then took signatures of panchas to said panchanama. Now I have seen said panchanama.

20. P.W.1 has further deposed that the incident had taken place within the limits of Thalaghattapura Police Station. Hence, he has taken the seized articles, panchanama and accused No.1 to 4 to said Police

Station and lodged report cum complaint as per Ex.P.3. He can identify the caught hold accused persons. P.W.1 has properly identified accused No.1 to 4 before Court.

21. The sum and substance of the oral evidence of P.W.2-Manu U.P., the then PC at CCB, Bengaluru reveals that on 03.08.2022 at 5.00 p.m., when he was in the office, P.W.1 called him to his chamber in the office and he had been to his chamber. In that chamber, C.W.4, 5 & 7 were also there. At that time, P.W.1 told them that he got credible information that near NICE Road Bridge at Amrutha Nagara Main Road, BDA Layout, some 5 miscreants by holding deadly weapons were making preparations to commit dacoity. P.W.1 called C.W.2 and 3 panchas. Afterwards, P.W.1 has taken him, C.W.2 to 5 & 7 in his police jeep to the spot and they reached the said spot at about 6.45 p.m. They hide themselves about 50 meters from the spot of incident and observed about those persons.

They had seen 5 miscreants holding deadly weapons and their attitude was suspicious.

22. P.W.2 has further deposed that as per the directions of P.W.1, P.W.1, himself and C.W.4, 5 and 7 surrounded them and able to caught hold 4 amongst 5 and 5th one escaped from said spot. P.W.1 enquired the names and addresses of caught hold 4 persons. Accused No.1-Chetan @ Madesha possessed a sickle; C.W.4 caught hold accused No.2-Santhosh who possessed a sword; he caught hold accused No.3-Deepak who possessed a club and C.W.7 caught hold accused No.4-Gowtham who possessed a chilly-powder packet. P.W.1 also enquired the name and address of the escaped A5.

23. P.W.2 has further deposed that P.W.1 has seized the above articles from accused No.1 to 4; put them in separate white cloth bags, stitched them and sealed them with English letters 'OCW'. C.W.5 has

drafted the panchanama in Laptop as per the dictation of P.W.1 and took out its printout and then P.W.1 took signatures of panchas upon it. The sealed articles are marked as M.O.1 to 4 respectively.

24. P.W.2 has further deposed that the incident had taken place within the limits of Thalaghattapura Police Station. Hence, they have taken the seized articles, panchanama and accused No.1 to 4 to said Police Station. P.W.2 has properly identified accused No.2 to 4 present before Court. He has further deposed that he has given statement before IO.

25. The sum and substance of the oral evidence of P.W.3-Rahul Singh reveals that about 2-3 years back, during night hours after dinner, when he was coming back to home, he had put his signature on Ex.P.1 & 2 at Empire Hotel, Raghuvanahalli. He does not know the contents of Ex.P.1 & 2 and also he does not know as to why police had taken his signatures on

those documents. Police had not seized anything in his presence and he has not given statement before the police. He knows C.W.3-Pavan.

26. The sum and substance of the oral evidence of P.W.4-Pavan reveals that about 2 years back at 10.30 p.m., after dinner, when he was coming back to home, he had put his signatures on Ex.P.1 & 2 at Empire Hotel, Raghuvanahalli. He does not know the contents of Ex.P.1 & 2 and also he does not know as to why police had taken his signatures on those documents. Police had not seized anything in his presence and he has not given statement before the police.

27. Both these witnesses i.e. P.W.3 & 4 are treated as hostile by the learned Public Prosecutor. Though they were cross-examined in length by the learned Public Prosecutor, nothing was elicited from them which is favourable to the case of prosecution.

28. The sum and substance of the oral evidence of P.W.5-Satish, the then PSI of Thalaghattapura police station reveals that on 03.08.2022 PI-CCB had given complaint along with the properties and the accused persons. Based on that, he had registered Crime No.192/2022 U/Ss.399, 402 of IPC and filed FIR as per Ex.P.6 and sent to Court. He has taken the properties and filed P.F No.87/2022. He had apprehended accused No.1 to 4. He has recorded the statements of witnesses No.2 to 7 and recorded the voluntary statements of accused No.1 to 4 and thereafter sent them to Court through staff. He had made attempt to secure accused No.5 but, he could not apprehend him. On 10.08.2022, he has filed the charge-sheet. P.W.5 has identified accused No.1, 2 and 4.

29. This is all the evidence available on record.

30. According to the evidence of P.W.1, C.W.2 & 3-panchas accompanied them at the time of drawing up of panchanama and seizure of M.O.1 to 4 and arrest of accused persons from the spot. However, both these witnesses though examined before the court as P.W.3 & 4, they have totally turned hostile to the case of prosecution.

31. P.W.3 & 4 have deposed that they have put their signatures to Ex.P.1 & 2 in Empire Hotel in Raghuvanahalli and nothing was seized in their presence. Further, they have also deposed that they do not know the contents of Ex.P.2 panchanama and they have not given any statement before the police.

32. P.W.3 & 4 have not supported the case of prosecution in toto and thus, learned Public Prosecutor treated them as hostile; however, nothing was elicited in their cross-examination to disbelieve their version in examination-in-chief.

33. The remaining available evidence is the evidence of P.W.1, 2 & 5.

34. The evidence of P.W.2 reveals that he had accompanied P.W.1 to the place of incident and had assisted him in conducting raid. The evidence of P.W.5 reveals that on the basis of the complaint lodged by P.W.1, he had registered Crime No.192/2022, prepared FIR, apprehended accused No.1 to 4, recorded the statements of witnesses and voluntary statements of accused No.1 to 4 and after completion of investigation, he has filed charge-sheet against accused No.1 to 4 by showing accused No.5 as absconding.

35. The evidence of P.W.1, 2 & 5 is only formal in nature and it only reveals the procedure of investigation.

36. As discussed above, the evidence of P.W.1, 2 & 5 is not corroborated from any independent witnesses.

37. P.W.1 has not secured any information about the circumstances under which the informant secured the information. Thus, it appears that P.W.1 has overwhelmed by some information given by the alleged informant about the preparation for committing dacoity or robbery by holding any weapons without holding any enquiry or efforts to confirm the same. Mere holding of weapons may not amount to commission of offences punishable under Sections 399 and 402 of IPC. What is important is intention to commit dacoity or robbery and become member of the gang for commission of dacoity.

38. Under these circumstances, without corroboration from the independent witnesses, this Court holds that prosecution failed to prove the offences levelled against the accused beyond reasonable doubt. Always benefit of doubt shall be in favour of the accused persons. Hence, this Court holds that prosecution fails to prove point Nos.1 & 2 beyond reasonable doubt. Accordingly, **point No.1 & 2** are answered in ***Negative***.

39. **Point No.3:-** In view of findings on point No.1 and 2, this Court proceeds to pass the following:-

O R D E R

Accused No.1 to 4 are acquitted U/S.235(1) of Cr.P.C. for the offences punishable U/Ss.399 & 402 of Indian Penal Code.

Bail bond and suretyship of accused No.1 to 4 will be continued for a period of six months.

Accused No.1 to 4 shall comply with S.437(1) of Cr.P.C., within one week from the date of this judgment and furnish surety for their due presence even-after disposal of this case for a period of six months or if any appeal is preferred before higher Courts, till disposal of the appeal.

Office is hereby directed to retain M.O.1 to 4 till completion of case against absconded accused No.5.

(Dictated to the Stenographer, transcribed by her, corrected, signed and pronounced by me in the open Court on this the 17th day of March, 2026.)

(B.S. Rekha)

Prl. District & Sessions Judge,
Bengaluru Rural District,
Bengaluru.

ANNEXURE**List of witnesses examined for prosecution:-**

P.W.1	Jyothirlinga Chandram Honakatti.
P.W.2	Manu.
P.W.3	Rahul Singh.
P.W.4	Pavan.
P.W.5	Satish.

List of documents exhibited for prosecution:-

Ex.P.1	Panch notice.
Ex.P.1(a)	Signature of P.W.1.
Ex.P.1(b)	Signature of P.W.3.
Ex.P.1(c)	Signature of P.W.4.
Ex.P.2	Panchanama.
Ex.P.2(a)	Signature of P.W.1.
Ex.P.2(b)	Signature of P.W.3.
Ex.P.2(c)	Signature of P.W.4.
Ex.P.3	Report/complaint.
Ex.P.3(a)	Signature of P.W.1.
Ex.P.4	Statement of P.W.3.
Ex.P.5	Statement of P.W.4.
Ex.P.6	FIR
Ex.P.6(a)	Signature of P.W.5.

List of witnesses examined for accused:-

NIL

List of documents exhibited for accused:-

NIL

List of material objects produced and got marked for prosecution:-

M.O.1	Sickle.
M.O.2	Sword.
M.O.3	Wooden club.
M.O.4	Chilly-powder packet.

Prl. District & Sessions Judge,
Bengaluru Rural District,
Bengaluru.