

KABR010054762023



**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 16<sup>th</sup> day of July, 2026.

**Sessions Case No.288/2023**

**Complainant:-** State by Anugondanahalli Police,  
Bengaluru Rural District.

(By Learned Public Prosecutor,  
Bengaluru Rural District.)

**-VERSUS-**

**Accused:-** A.1 Balasubramanyam,  
S/o Late Narayanaswamy,  
Aged about 32 years,  
R/at: Devalapur village,  
Anugondanahalli Hobli,  
Hosakote Taluk,  
Bengaluru District.

A.2 Muniraju Y.V.,  
S/o Venkateshappa,

Aged about 42 years,  
R/at: Yadagondanahalli village,  
Anugondanahalli Hobli,  
Hosakote Taluk,  
Bengaluru District.

A.3 Sampath Kumar,  
S/o S.M. Raghunath,  
Aged about 29 years,  
R/at: Samethanahalli Village,  
Anugondanahalli Hobli,  
Hosakote Taluk,  
Bengaluru District.

A.4 Basavaraj,  
S/o Krishnappa,  
Aged about 30 years,  
R/at: Hemmandahalli Village,  
Anugondanahalli Hobli,  
Hosakote Taluk,  
Bengaluru District.

A.5 Suresh,  
S/o Krishnappa,  
Aged about 42 years,  
R/at: Hemmandahalli Village,  
Anugondanahalli Hobli,  
Hosakote Taluk,  
Bengaluru District.

*(By Sri C.R.V., Advocate)*

|    |                               |            |
|----|-------------------------------|------------|
| 1. | Date of commission of offence | 25.03.2023 |
| 2. | Date of report of occurrence  | 26.03.2023 |

|    |                                           |                                                                              |
|----|-------------------------------------------|------------------------------------------------------------------------------|
| 3. | Whether accused is in custody or on bail. | Accused No.1 to 5 are on bail.                                               |
| 4. | Date of commencement of Evidence          | 03.09.2024                                                                   |
| 5. | Date of closing of evidence               | 22.04.2026                                                                   |
| 6. | Name of the Complainant                   | Bijala Ram                                                                   |
| 7. | Offences complained of                    | U/S.397 of IPC.                                                              |
| 8. | Opinion of the Judge                      | Accused No.1 to 5 found not guilty of the offence punishable U/S.397 of IPC. |
| 9. | Order/Result                              | As per final order                                                           |

### **J U D G M E N T**

The Inspector of Police, Anugondanahalli Police Station, Bengaluru Rural District has filed charge-sheet against the accused alleging the offence punishable U/S.397 of IPC.

2. The case of prosecution in nutshell is that from 11.40 p.m., of 25.03.2023 till 2.00 a.m., of 26.03.2023 near the pan parag godown at Sy.No.66, property No.17, Site No.17 within the jurisdiction of

Anugondanahalli police station, the accused No.1 by holding eucalyptus club, accused No.2 by hold machete, accused No.3 by holding eucalyptus club, accused No.4 by holding cricket bat and accused No.5 by holding knife came near the said godown and threatened C.W.1 and C.W.8 to 14 who were present near the godown by showing them deadly weapons and accused No.1 & 3 assaulted C.W.1 and C.W.8 to 14 by clubs and accused No.1 to 5 committed robbery of ₹.3 Lakhs from them, the accused No.4 robbed the mobile phone from C.W.8 and thereby the accused persons have committed the aforesaid offences.

3. After receipt of this charge-sheet, learned Prl. Civil Judge & JMFC, Hosakote, Bengaluru Rural District, Bengaluru has complied with S.209 Cr.P.C and committed the charge-sheet and other materials in C.C.No.4890/2023 to this court vide order dated

20.11.2023 against accused No.1 to 5 as the offences alleged against accused persons are exclusively triable by this court of Sessions. After committing the case to this Court, it is numbered as S.C.No.288/2023.

4. Accused No.1 to 5 are on bail.

5. After hearing arguments of both sides, as there were materials to frame charge, this court has framed the charge against accused alleging the offence punishable U/S.397 of IPC. After understanding the contents of the 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 16 witnesses as P.W.1 to P.W.16, got marked Ex.P.1 to Ex.P.32, marked M.O.1 to 6 and closed its side. During the course of cross-examination of P.W.7 learned counsel for accused, Ex.D.1 to 7 are marked.

7. Statement of accused No.1 to 5 U/S.313 Cr.P.C., is recorded after completion of the evidence of prosecution by putting incriminatory evidence against accused, which were found in the evidence of prosecution witnesses. Accused No.1 to 5 have denied the prosecution case in toto in said statement.

8. On perusal of the evidence of prosecution, examination of the accused under S.313 Cr.P.C., and hearing arguments of both sides, this court holds that this is not the fit case to acquit accused U/S.397 of IPC. Hence, the case is posted for defence evidence. However, accused and their learned counsel submitted that there is no defence evidence on their behalf.

9. Accused No.1 to 5 have 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 from 11.40 p.m., of 25.03.2023 till 2.00 a.m., of 26.03.2023 near the pan parag godown at Sy.No.66, property No.17, Site No.17 within the jurisdiction of Anugondanahalli police station, accused No.1 by holding eucalyptus club, accused No.2 by hold machete, accused No.3 by holding eucalyptus club, accused No.4 by holding cricket bat and accused No.5 by holding knife came near the said godown and threatened C.W.1 and C.W.8 to 14 who were present near the godown by showing them deadly weapons and accused No.1 & 3 assaulted C.W.1 and C.W.8 to 14 by clubs and accused No.1 to 5 committed robbery of ₹.3 Lakhs from them, the accused No.4 robbed the mobile phone from C.W.8 and thereby committed the offence punishable under S.397 of IPC?*

2. *What order?*

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

Point No.1 : In ***Negative***;

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

**R E A S O N S**

13. **Point No.1:-** The case of prosecution is as stated herein above.

14. C.W.6-Nagesh C. is examined as P.W.1 and he has deposed in his examination-in-chief that about 1-½ years prior to his deposition, in the afternoon, he had put his signatures on Ex.P.1-notice and Ex.P.2-panchanama in Anugondanahalli police station. He has seen accused No.1 to 5 at the time of putting signatures on Ex.P.1 & 2. Police told him to stand by the side of the accused persons in the police station and they had taken photographs at that time. He has not observed whether any articles were produced by

the accused at that time. He does not know the contents of Ex.P.2 panchanama.

15. The learned Public Prosecutor has treated this witness as hostile and during the course of cross-examination, nothing is elicited from him which is favourable to the case of prosecution.

16. C.W.7 Manjunath is examined as P.W.2 and he has deposed in his examination-in-chief that during March of previous year, in the morning hours, he had put his signatures on Ex.P.1 & 2. He had seen accused No.1 to 5 at the time of putting his signatures on Ex.P.1 & 2. Police have not seized any articles. He does not know the contents of Ex.P.2 panchanama. Police have taken some photographs.

17. The learned Public Prosecutor has treated this witness as hostile and during the course of cross-

examination, nothing is elicited from him which is favourable to the case of prosecution.

18. C.W.4 Santhosh is examined as P.W.3 and he has deposed in his examination-in-chief that about 2 years prior to his deposition, in the afternoon, he had put his signature on Ex.P.3 panchanama. He is visible in all the 3 photographs at Ex.P.3 panchanama. He had also put his signature on panch notice Ex.P.4 at the time when he had put his signature to Ex.P.3. He does not know as to why the photographs at Ex.P.3 were taken, but, he has seen cash at that time. Police have not stated the reason for taking those photographs. He does not know the contents of panchanama. He does not know the total amount of cash. Nothing was seized in his presence.

19. The learned Public Prosecutor has treated this witness as hostile and during the course of cross-

examination, nothing is elicited from him which is favourable to the case of prosecution.

20. C.W.5 Kiran Kumar is examined as P.W.4 and he has deposed in his examination-in-chief that about 1 year prior to his deposition, at about 11.00 a.m., he had put his signature on Ex.P.3 panchanama at Anugondanahalli police station. He is visible in all the 3 photographs at Ex.P.3 panchanama. He had also put his signature on panch notice Ex.P.4 in the police station. There is difference of about ½ an hour to 1-hour in between he putting signatures on Ex.P.3 & 4. He does not know to which document, he put his signature first. He does not know the contents of panchanama. He does not know whether P.W.3 was there or not. Nothing was seized in his presence. He does not know why the photos inserted in Ex.P.3 were

taken. Police have not given the reason for taking those photographs.

21. The learned Public Prosecutor has treated this witness as hostile and during the course of cross-examination, nothing is elicited from him which is favourable to the case of prosecution.

22. C.W.15 Uma Maheshwari is examined as P.W.5 and she has deposed in her examination-in-chief that she is having a site property at Devalapura, Anugondanahalli Hobli and it consists of a godown. She has given the said property on rent during 2022 to one Satish Chowdhary (C.W.16). The said site number is 17 and it is situated at Sy.No.66. She had purchased the said property about 9-10 years back. In this regard, lease agreement was executed. The RTC as per Ex.P.5 of the said site number stands in the name of Lakshmaiah. She has given statement before the

police. During March, 2023, C.W.16 had told her that some miscreants have shown deadly weapons and committed dacoity in the said godown and thereafter, she has also visited the spot.

23. During the course of cross-examination of P.W.5 by the learned counsel for accused, she has stated that she does not know whether her site is revenue site or formed by village panchayath. At the time of purchase, godown was there. She does not know whether any license was taken to run the godown in that property or not. She denies that her site No.17 is not situated within Sy.No.66 and it does not consists of any godown. She further denies that herself and C.W.16 have not entered into rent agreement.

24. C.W.1 Bijila Ram is examined as P.W.6 and in his examination-in-chief he has deposed that C.W.8 is

his friend. He does not know the accused persons. During 2023, he was residing at Dunnasandra along with his friend Harish, who was having his grocery shop at Dunnasandra. He knows only bike riding and he does not know car driving. But, he has driving license to drive the car. He knows C.W.8 who is from his village. He does not know anything about this case. He had put his signature on Ex.P.6 complaint dated 26.03.2023.

25. P.W.6 has further deposed that he does not know what is written in Ex.P.6. He had put his signature on Ex.P.7 spot panchanama, but, he does not know when he had put signature to it. But, it was signed in the police station. The photograph inserted in Ex.P.7 panchanama contains his photograph. He does not know who others are present in that photograph. The photograph was taken near godown.

As per the instruction of police, he was showing his hand to some spot and he does not know anything about it. He does not know the contents of Ex.P.7. After lodging the complaint, police have not called him to the police station. Except in the Court, he has not seen accused persons elsewhere. He has not given any further statement before IO after he putting signature to Ex.P.6. Accused No.1 to 5 were not shown to him in the police station at any point of time. Likewise, no article was shown to him in police station at any point of time.

26. The learned Public Prosecutor has treated this witness as hostile and during the course of cross-examination, nothing is elicited from him which is favourable to the case of prosecution.

27. During the course of cross-examination of P.W.6 by the learned counsel for accused, he has

stated that he has never worked in Pan Parag Company and he does not know the contents of complaint, panchanama and other documents.

28. C.W.8 Bamar Lal is examined as P.W.7 and he has deposed in his examination-in-chief that he was working as labourer at godown of Balaji Stores, Dodda Dunnasandra, Devalapura, Bengaluru during 2023. PW.6 was working as Tempo Driver in that godown of Balaji Stores. His job was to load and unload pan-masala articles in that godown. On 26<sup>th</sup> of the year 2023 in one month, they were working in the godown at 11.00 p.m.; at that time, 2-3 persons came and enquired them that what they were doing. They told that they were doing loading of pan-masala items. At that time, they were totally 5 persons. At that time, himself, P.W.6, C.W.9, 13 and 14 were doing the job. One of those persons who entered the godown slapped

on P.W.6. They have snatched all our mobile phones and locked them in one room. Himself, P.W.6 and C.W.13 were locked in one room and C.W.9 and 14 were locked in another room. Again, deposes that C.W.9 was not locked.

29. P.W.7 has further deposed that after locking them in the room, those persons went out from said place. Afterwards, C.W.9 called police. Police came at 4.00 a.m., on next day and opened the lock and then, they came out from the room. Afterwards, police have taken them to the police station and recorded their statements and then sent them back. Afterwards, police have not called him to the police station and he has not given any other statement before police. They were working in darkness and hence, he cannot identify those 2-3 persons.

30. The learned Public Prosecutor has treated this witness as hostile and during the course of cross-examination, nothing is elicited from him which is favourable to the case of prosecution.

31. During the course of cross-examination by learned Public Prosecutor P.W.7 has stated that they were working in the godown since 25.03.2023 night onwards. At 01.10 a.m., of 26.03.2023, a Toyota Innova Car came. He does not know that 5 persons were there in that car. At that time, P.W.6 told him that he knows accused No.1 by name Bala Subramanyam and he does not know other 4 persons who came in that car. They were holding club and also possessing cricket bat. He admits that they have demanded Rs.10,00,000/- from them and if they will not give that much amount, they will kill them. He does not know that as they have not given anything to

them, they assaulted with club to P.W.6 and C.W.9 to 14. He denies that they have assaulted him with club. They have also threatened on their life with dire consequences. They came to pierce with knife to them and hence, they became afraid and have given the money which was with them, which they got from delivery of pan-parag.

32. P.W.7 has further admitted that afterwards, they sat in the car and counted the amount snatched from them and told that it was Rs.3,00,000/-. At that time, they told that they have to give remaining Rs.7,00,000/- to them and thereafter, they have locked them. They have also snatched his phone and then went out from the godown. The 5 persons who came to their godown are accused No.1 to 5. In this regard, he has given statement in Hindi language and they have typed in Kannada language in Computer.

33. P.W.7 has further stated hat on 27.03.2023 again he was called to the police station. On that day, police have shown accused No.1 and 3 who were in police station and at that time, he identified both accused No.1 and 3 as the persons who came to godown and committed the offence. At that time, police have recorded his statement and police have also shown the amount snatched from them and two clubs-M.O.1 & 2 used for commission of the offence. He has given statement as above in Hindi language and they have typed in Kannada language in Computer after translation.

34. P.W.7 has further stated that on 28.03.2023, he was called to police station. At that time, police have shown accused No.2, 4 & 5 who were in police station and at that time, he identified accused No.2, 4 & 5 as the persons who came to godown and

committed the offence. Police have also shown the Toyota Innova Car bearing registration No.KA-53-ME-9405 and he identified the said car as the car in which accused No.1 to 5 came to the godown to commit the offence. At that time, police had also shown his mobile, which was snatched from him. He admits that at that time, police have also shown the sickle, knife and cricket bat-M.O.3 to 5 which were brought by the accused persons to the spot of incident to commit the offence and he identified those articles. He has given statement as above in Hindi language and they have typed in Kannada language in Computer after translation. He has taken mobile phone-M.O.6 to his interim custody.

35. During the course of cross-examination of P.W.7 by the learned counsel for accused, he has stated that there was electricity connection to the

godown at the time of incident, but, electric meter was not running on that particular day. There was no specific working hours for them. They were loading the bags like bags shown in Ex.D.1. On that particular day, they have loaded the materials to the six cars as shown in Ex.D.2 to 7. The articles were being supplied to the godown by Lucky Marketing Agency and those items were being supplied in gunny bag.

36. P.W.7 has further stated that there was no security guard to that godown. As they were working inside the godown during darkness on that night, they does not know who came in which vehicle, but, he only knows that some vehicle had come. On that night, they have not seen any Innova car. Because there was darkness, Because there was darkness and he was working inside the godown, he cannot say that accused No.1 to 5 came there and not able to see the

knife and sickle, but, he had seen clubs. The amount given to accused persons was with P.W.6. He does not know who has given that amount to P.W.6. He identified M.O.2-clubs because they were shown by police and he had not seen them earlier.

37. P.W.7 has further stated that nobody has snatched the money from anyone in his presence. Nobody threatened on their life with dire consequences. He had not given any statements before the police and he had not seen the accused earlier to police showing them to him. On 27.03.2023, police have not shown the amount to him.

38. C.W.2 Prathap is examined as P.W.8 and he has deposed in his examination-in-chief that he had put his signature on Ex.P.7 panchanama. His office is situated at near D. Hosahalli Cross. About 3 years ago, when he was going in search of his driver near

his office, at 11.00 a.m., police took his signature on Ex.P.7. He does not know why the mahazar was conducted. One Gagan was along with him at that time. He does not know the contents of Ex.P.7. He does not know the complainant.

39. The learned Public Prosecutor has treated this witness as hostile and during the course of cross-examination, nothing is elicited from him which is favourable to the case of prosecution.

40. C.W.3 Gagan is examined as P.W.9 and he has deposed in his examination-in-chief that he had put his signature on Ex.P.7 panchanama. His office is situated at near D. Hosahalli Cross. About 3 years ago, when he was going in search of his driver near his office, at 11.00 a.m., police took his signature on Ex.P.7. He does not know why the mahazar was conducted. One Prathap was along with him at that

time. He does not know the contents of Ex.P.7. He does not know the complainant.

41. The learned Public Prosecutor has treated this witness as hostile and during the course of cross-examination, nothing is elicited from him which is favourable to the case of prosecution.

42. C.W.9 Mesharam is examined as P.W.10 and he has deposed in his examination-in-chief that he is residing at Rajasthan. He knows C.W.1 Bijala Ram. About 3-4 years ago, they were doing supplying work of cosmetic items at Devalapura, Denagondi. About 3-4 years ago, they had been to police station and had put their signatures with respect to someone making quarrel with C.W.1. He is not aware of accused persons. He does not know about the quarrel between the accused persons and C.W.1. He has not given any statement.

43. The learned Public Prosecutor has treated this witness as hostile and during the course of cross-examination, nothing is elicited from him which is favourable to the case of prosecution.

44. C.W.10 Vijay Singh is examined as P.W.11 and he has deposed in his examination-in-chief that he is residing at Rajasthan. He knows C.W.1 Bijala Ram. About 3-4 years ago, they were doing supplying work of cosmetic items at Devalapura, Denagondi. About 3-4 years ago, they had been to police station and had put their signatures with respect to someone making quarrel with C.W.1. He is not aware of accused persons. He does not know about the quarrel between the accused persons and C.W.1. He has not given any statement.

45. The learned Public Prosecutor has treated this witness as hostile and during the course of cross-

examination, nothing is elicited from him which is favourable to the case of prosecution.

46. C.W.12 Jeeva Ram is examined as P.W.12 and he has deposed in his examination-in-chief that he is residing at Rajasthan. He knows C.W.1 Bijala Ram. About 3-4 years ago, they were doing supplying work of cosmetic items at Devalapura, Denagondi. About 3-4 years ago, they had been to police station and had put their signatures with respect to someone making quarrel with C.W.1. He is not aware of accused persons. He does not know about the quarrel between the accused persons and C.W.1. He has not given any statement.

47. The learned Public Prosecutor has treated this witness as hostile and during the course of cross-examination, nothing is elicited from him which is favourable to the case of prosecution.

48. C.W.13 Ashok is examined as P.W.13 and he has deposed in his examination-in-chief that he is residing at Rajasthan. He knows C.W.1 Bijala Ram. About 3-4 years ago, they were doing supplying work of cosmetic items at Devalapura, Denagondi. About 3-4 years ago, they had been to police station and had put their signatures with respect to someone making quarrel with C.W.1. He is not aware of accused persons. He does not know about the quarrel between the accused persons and C.W.1. He has not given any statement.

49. The learned Public Prosecutor has treated this witness as hostile and during the course of cross-examination, nothing is elicited from him which is favourable to the case of prosecution.

50. C.W.19 Yathish J., the then PSI of Anugondanahalli police station is examined as P.W.14

and he has deposed in his examination-in-chief that on 27.03.2023 the Police Inspector had deputed him, ASI Mahesh, HC Venkateshaiah, PC Avinash to trace the accused persons. Accordingly, they visited Anugondanahalli, Muthsandra and Hosakote. Based on the information from the informants that on 28.03.2023 morning near the parking place of Devanahalli Airport, accused No.2, 4 & 5 had come in Innova car bearing registration No.KA-53-ME-9404. They surrounded the accused and apprehended them and produced before the Police Inspector at 9.40 a.m., He has given statement in this regard. P.W.14 identified accused No.2, 4 & 5.

51. During the course of cross-examination of P.W.14 by the learned counsel for accused, he has stated that he was on day duty on that day and PI had given him memo at 12.00 noon to trace the accused.

They received the information at 5.30 p.m., and at that time, they were at Hosakote. They had taken the information about the accused from ASI Mahesh and HC Venkateshaiah. The said persons had given the photographs of the accused along with the phone numbers of the accused persons and the details of vehicle which they were using.

52. C.W.21 Venkateshaiah, the then HC of Anugondanahalli police station is examined as P.W.15 and he has deposed in his examination-in-chief that on 26.03.2023, the Police Inspector had deputed him, C.W.20, 22 and 23 to trace the accused in Crime No.33/2023. Accordingly, they had been to Medi Mallasandra, Kallakunte Agrahara, Chikka Tirupati and other places and based on the information received from the informants that accused No.1 & 3 were coming in Glanza car bearing registration No.KA-

03-NJ-7702, on 27.03.2023 at 7.00 a.m., near Chikka Tirupati bus stand, they apprehended accused No.1 & 3 along with the car and at 8.00 a.m., they produced the accused before C.W.26.

53. P.W.15 has further deposed that again, C.W.26 had deputed him along with C.W.19, 20 and 22 to trace the remaining accused. Accordingly, based on the credible information from the informants that the accused along with the vehicle bearing registration No.KA-53-ME-9405 used for commission of offence were present at Devanahalli Airport, on 28.03.2023 at 9.45 a.m., they apprehended accused No.2, 4 & 5 along with the vehicle and at 11.00 a.m., produced them before C.W.26. He has given statement in this regard. P.W.15 has identified the accused persons.

54. During the course of cross-examination of P.W.15 by the learned counsel for accused, he has

stated that on 26.03.2023 at 9.00 a.m., he received the directions from his senior officers to trace the accused. His senior officers had given the information about the accused persons, but, had not given the photographs of the accused. There is a distance of about 4 Kms. from their police station to Medi Mallasandra. He has not produced any documents with respect to apprehension of accused near Chikka Tirupati. He received information at 6.00 a.m., that accused No.1 & 3 are coming in a car and at that time, they were in the same area. On 27.03.2026, he received directions at 12.30 p.m., to trace accused No.2, 4 & 5.

55. C.W.26 Channesh, the then Police Inspector at Anugondanahalli police station is examined as P.W.16 and he has deposed in his examination-in-chief that on 26.03.2023, he received the case file from

C.W.25 for further investigation. He visited the place of incident and in presence of C.W.2 & 3-panchas, he has drawn mahazar as per Ex.P.2 from 9.30 a.m., to 10.30 a.m., At the time of panchanama, he had taken photographs. He prepared rough sketch of the spot as per Ex.P.16. He deputed his staff to trace the accused persons. On the same day, he has recorded the statements of C.W.8 to 13.

56. P.W.16 has further deposed that on 27.03.2023, the accused Balasubramanya and Sampath were produced before him. He completed the arresting formalities and recorded their voluntary statements. At the time of their voluntary statement, both the accused have stated as per Ex.P.17 & 18 that the amount of ₹.3 Lakhs which they had robbed and the clubs used for commission of offence was kept in Glanza car. Thereafter, he called panchas-Santosh and

Kiran Kumar, issued them notice and examined the car bearing registration No.KA-03-7702 which was parked in the premises of the police station and found ₹.3 Lakhs cash and clubs used for commission of offence in the dash board of the car. He seized the same by drawing mahazar as per Ex.P.3 from 10.00 a.m., to 11.00 a.m., At the time of mahazar, he had taken 3 photographs. He had kept the seized articles in P.F. No.30/2020. The amount was released as per the order of the court. He produced accused No.1 & 3 before the court through his staff. He recorded the further statement of C.W.1 and statement of C.W.8.

57. P.W.16 has further deposed that on 28.03.2023, C.W.19 to 23 produced accused No.2, 4 & 5 before him along with the car. He enquired them and recorded their voluntary statements. He seized the machete, knife, cricket bat and the robbed mobile

phone (MI Company) which was kept in the Innova car bearing registration No.KA-53-ME-9405 by drawing mahazar as per Ex.P.2 in presence of C.W.6 & 7-panchas. He registered the seized articles in P.F. No.33/2023. He recorded the statements of C.W.9 and 19 to 23. On 29.03.2023 he produced accused No.2, 4 & 5 before the court through his staff. He has produced the certificate under S.65-B of the Evidence Act as per Ex.P.19 for the photographs taken at the time of drawing of mahazar. He has recorded the statements of C.W.15 & 16-owners of the godown and received the rental agreement from them. On 03.05.2023, he submitted requisition as per Ex.P.20 to Airtel Company to provide the CDR and tower location of the mobile phones of accused No.1 to 5.

58. P.W.16 has further deposed that on 18.05.2023 he received the pahani as per Ex.P.5 of the

place of incident. On 30.05.2023, he got released the seized vehicles to the accused as per the order of the court. On 23.06.2023, he obtained CDR as per Ex.P.22 to 26 and SDR as per Ex.P.27 to 31 from the Airtel Company and also received the certificate under S.65-B of the Evidence Act as per Ex.P.21. When he examined the CDR, he found the whereabouts of the accused persons in and around the place of incident and SDR belonged to accused persons. After completion of investigation, he has filed charge-sheet against the accused persons. The amount of ₹.3 Lakhs seized under mahazar is released to the complainant and Ex.P.32 is the photograph taken at that time.

59. During the course of cross-examination of P.W.16 he has stated that there are no other cases pending against the accused persons in their station other than this case. There is a distance of about 500

meters between the police station and the place of incident. They had taken panchas along with them. The complaint was registered at 7.30 a.m., and he came to the police station at 7.45 a.m., on that day. He has not produced any document to show that the place of incident is a Pan Parag warehouse. There was no CCTV in the godown. The distance between the house of Balasubramanya and the place of incident is about 100 meters. He has seen the house of accused No.1. He received the CDR report and put the same to the final report. The registration numbers of the vehicles found in Ex.D.1 to 7 is of Tamil Nadu State. C.W.1 to 14 belongs to Rajasthan State. He does not know who has written the complaint.

60. It is the case of prosecution that between 11.40 p.m., of 25.03.2023 till 2.00 a.m., of 26.03.2023, the accused No.1 to 5 have entered the

Pan Parag godown and by showing the weapons have committed the theft of money and mobile phone. It is stated that they have used Innova car for commission of offence.

61. However, the material witness to the case of prosecution is P.W.6 who is the complainant in this case. Initially, during the course of examination-in-chief, he has not stated anything about these accused persons and he is not aware anything about the complaint and further statement. However, during the course of cross-examination by the learned Public Prosecutor, he has admitted the suggestions made by her about his statement. He had stated that he was afraid of accused No.1 to 5 as they had assaulted him and C.W.8 to 14 and hence, they had given ₹.3 Lakhs, which was collected from the Pan Parag delivery. The accused persons have robbed the amount and the

mobile phone and they have further threatened to give ₹.7 Lakhs. However, he got released that amount of ₹.3 Lakhs by engaging a counsel. He further admitted that he never worked in the Pan Parag company.

62. Then, comes the evidence of P.W.7 who was working as labourer at the godown of Balaji Stores during 2023. He has specifically stated that they were 5 persons in the godown. 2-3 persons came and one person among them has slapped to P.W.6 and snatched his mobile phone. They had been locked in one room and the police have opened the lock on the next day at 4.00 a.m.,

63. During the course of cross-examination by the learned Public Prosecutor, P.W.7 has admitted that on 26.03.2023, a Toyota Innova car came. According to him, P.W.6 told that he knows accused No.1 Balasubramanya and he is not aware of other 4

persons. Even he has stated that they were holding cricket bat and he has not seen the knife and the sickle. He admits that they have demanded ₹.10 Lakhs wherein an amount of ₹.3 Lakhs was with them and they have taken away the said amount and also warned to give the remaining ₹.7 Lakhs. He identified that accused No.1 to 5 are those persons who came to the godown on that day. He identified accused No.1 to 3 as the persons who entered the godown as committed the offence. He identified M.O.1 & 2.

64. However, in the cross-examination of the defence, P.W.7 has specifically stated that generally, they used to load the materials to tempo or car. They were loading bags which are shown in the photograph at Ex.D.1. There are 6 photographs confronted to this witness as per Ex.D.2 to 7. He has specifically admitted that they were working inside the godown.

There was darkness on that night and hence, they were not aware who came in which vehicle, but, he knows that some vehicle had come. There were 5 to 6 vehicles came at 1.00 a.m., on 26.03.2023 to that godown. All those vehicles are cars and not tempos. He had not seen any Innova car on that day. Only after the police have shown, he identified the car. He admits that he cannot identify accused No.1 to 5 as there was darkness and he was working inside the godown and also he had not identified the knife and sickle, but, says that he had seen the clubs. He is not aware from which place the amount was brought. He admits that after police showed him M.O.1 & 2, he identified M.O.1 & 2 and had not seen it earlier. He admits that nobody has snatched money in his presence from anyone and nobody threatened them with dire consequences. He also admits that he had not seen the accused earlier.

65. P.W.7 had specifically stated about identification of the accused. However, during the course of cross-examination by the defence counsel, he has not supported the case of prosecution.

66. P.W.8-Prathap, P.W.9-Gagan, P.W.10-Mesoram, P.W.11-Vijay Singh, P.W.12-Jeeva Ram and P.W.13-Ashok have categorically stated that they have signed in relation to some quarrel wherein C.W.1 was involved and they have specifically stated that they are not aware of the quarrel between accused and C.W.1 and they are not aware of the accused. They have turned hostile to the case of the prosecution in entirety.

67. Further, P.W.5 is the owner of the godown. She is an hearsay witness.

68. The evidence of all these witnesses clearly goes to show that even though in the statement given

before police under S.161 of Cr.P.C., they have supported the case, but, before this court, none of the witnesses have supported the case of prosecution.

69. P.W.7 has supported the case in the cross-examination by the learned Public Prosecutor, but, in the cross-examination of defence, he has not at all supported the case.

70. P.W.6 is the complainant who also admitted some suggestions during the course of cross-examination by the learned Public Prosecutor. But, his evidence is not clear about the involvement of these accused persons. Thus, there are so many witnesses to the incident because even according to the complainant and P.W.7, there were many vehicles came on the day of incident and the drivers and other persons were at the spot. But, none of those witnesses have supported the case of prosecution.

71. P.W.1 is the witness to Ex.P.1 & 2 notice and mahazar. He has stated that he saw the accused persons. He has not supported the case of prosecution during the course of cross-examination and he has stated that he is not aware of the contents of panchanama and it was not conducted in his presence. P.W.2 is also the witness to the same mahazar and he has not supported the case of prosecution.

72. P.W.3 is the witness to Ex.P.3 panchanama. He has also not supported the case of prosecution. P.W.4 is also the witness to same mahazar.

73. The evidence of all these witnesses will not come to the aid of the prosecution. The material witnesses have not supported the case of prosecution.

74. P.W.14-Yathish has stated about the arrest of the accused No.2, 4 & 5 and produced them before the Investigating Officer. P.W.15-Venkateshaiah is also the

police official who arrested the accused No.1 to 5. According to him, his higher officers had not given him the photographs of the accused. There are no documents to show that he went to Chikka Tirupati on 27.03.2023. He got the information about the presence of accused at 6.00 a.m., and at that time, they were in the same area and they arrested the accused.

75. P.W.16 is the Police Inspector who conducted the investigation and filed the charge-sheet after completion of investigation.

76. In this case, the oral and documentary evidence available on record is not sufficient to connect the accused persons with the crime. There is no cogent material about the role of these accused persons in commission of the offence.

77. Therefore, the prosecution has failed to prove the essential ingredients of the offences alleged

against the accused to bring home the guilt of the accused. Always, accused are entitled for benefit of doubt. As such, this court holds that prosecution has failed to prove the guilt against accused beyond reasonable doubt. Accordingly, Point No.1 is answered in ***Negative***.

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

**O R D E R**

Accused No.1 to 5 are acquitted U/S.235(1) Cr.P.C., for the offences punishable U/Ss. 397 of IPC.

Accused No.1 to 5 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 directed to destroy M.O.1, 2 & 5 as they are worthless, confiscate M.O.3 & 4 to the State and to hand over M.O.6 to the concerned after completion of the appeal period.

*(Dictated to the Stenographer, transcribed and computerized by her, script corrected, signed and pronounced by me in the open Court on this the 16<sup>th</sup> day of July, 2026)*

**(B.S. Rekha)**

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

**ANNEXURE**

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

|       |                 |
|-------|-----------------|
| P.W.1 | Nagesh C.       |
| P.W.2 | Manjunath.      |
| P.W.3 | Santosh.        |
| P.W.4 | Kiran Kumar.    |
| P.W.5 | Uma Maheshwari. |
| P.W.6 | Bijila Ram.     |
| P.W.7 | Bamar Lal.      |
| P.W.8 | Prathap.        |
| P.W.9 | Gagan.          |

|        |                |
|--------|----------------|
| P.W.10 | Mesa Ram.      |
| P.W.11 | Vijay Singh.   |
| P.W.12 | Jeeva Ram.     |
| P.W.13 | Ashok.         |
| P.W.14 | Yathish.       |
| P.W.15 | Venkateshaiah. |
| P.W.16 | Channesh.      |

**List of documents exhibited for prosecution:-**

|           |                      |
|-----------|----------------------|
| Ex.P.1    | Police notice.       |
| Ex.P.1(a) | Signature of P.W.1.  |
| Ex.P.1(b) | Signature of P.W.2   |
| Ex.P.2    | Mahazar.             |
| Ex.P.2(a) | Signature of P.W.1.  |
| Ex.P.2(b) | Signature of P.W.2.  |
| Ex.P.2(c) | Signature of P.W.16. |
| Ex.P.3    | Mahazar.             |
| Ex.P.3(a) | Signature of P.W.3.  |
| Ex.P.3(b) | Signature of P.W.4.  |
| Ex.P.3(c) | Signature of P.W.16. |
| Ex.P.4    | Panch notice.        |
| Ex.P.4(a) | Signature of P.W.3.  |
| Ex.P.4(b) | Signature of P.W.4.  |
| Ex.P.5    | RTC.                 |
| Ex.P.5(a) | Signature of P.W.16. |
| Ex.P.6    | Complaint.           |

|            |                                           |
|------------|-------------------------------------------|
| Ex.P.6(a)  | Signature of P.W.6.                       |
| Ex.P.7     | Mahazar.                                  |
| Ex.P.7(a)  | Signature of P.W.6.                       |
| Ex.P.7(b)  | Signature of P.W.8.                       |
| Ex.P.7(c)  | Signature of P.W.9.                       |
| Ex.P.8     | Statement of P.W.6.                       |
| Ex.P.9     | Statement of P.W.6.                       |
| Ex.P.10    | Vakalath.                                 |
| Ex.P.10(a) | Signature of P.W.6.                       |
| Ex.P.11    | Indemnity bond.                           |
| Ex.P.11(a) | Signature of P.W.6.                       |
| Ex.P.12    | Statement of P.W.10.                      |
| Ex.P.13    | Statement of P.W.11.                      |
| Ex.P.14    | Statement of P.W.12.                      |
| Ex.P.15    | Statement of P.W.13.                      |
| Ex.P.16    | Sketch.                                   |
| Ex.P.17    | Portion of statement of accused No.1.     |
| Ex.P.17(a) | Signature of P.W.16.                      |
| Ex.P.18    | Portion of statement of accused No.3.     |
| Ex.P.18(a) | Signature of P.W.16.                      |
| Ex.P.19    | Certificate under S.65-B of Evidence Act. |
| Ex.P.19(a) | Signature of P.W.16.                      |
| Ex.P.20    | Requisition.                              |
| Ex.P.20(a) | Signature of P.W.16.                      |
| Ex.P.21    | Certificate under S.65-B of Evidence Act. |
| Ex.P.21(a) | Signature of P.W.16.                      |

Ex.P.22 to 26    CDR.  
Ex.P.27 to 31    SDR.  
Ex.P.32            Photo.

**List of witnesses examined for accused:-**

NIL

**List of documents exhibited for accused:-**

Ex.D.1            Photo.  
Ex.D.2 to 7       Six photographs.

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

M.O.1            Wooden club.  
M.O.2            Wooden club.  
M.O.3            Sickle.  
M.O.4            Knife.  
M.O.5            Bat.  
M.O.6            MI mobile.

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