



**IN THE COURT OF THE I ADDL. CIVIL JUDGE & JMFC,
MUDIGERE**

PRESENT: Smt. Suraksha K.K. B.B.M.,LL.B.,
I Addl. Civil Judge & JMFC.,
Mudigere.

DATED THIS ON 12th DAY OF AUGUST 2026

CRIMINAL CASE NO:1902/2025

BETWEEN :

The State, represented by
Kalasa Police Station,
Kalasa Taluk.

...Complainant

(By Learned APP)

AND :

Prabhakara K.A.,
Aged about 44 years,
S/o Late Ashwathgowda,
R/o Kalakodu Village,
Kalasa Hobli and Taluk.

... accused

(By Sri.M.V.Jayaraj, Adv.,)

1	Date of occurrence of offence	30.01.2025
2	Date of report of offence	01.02.2025
3	Name of complainant	Jnanaprakash



4	Date of commencement of evidence	16.10.2025
5	Date of closure of evidence	07.07.2026
6	Offences complained of	Under Section 30 of Arms Act and under Section 125(B) of BNS.
7	Opinion of the Judge	Accused found not guilty

(Suraksha K.K.)

I Addl. Civil Judge & JMFC.,
Mudigere.

JUDGMENT

The PSI of Kalasa Police Station has filed the charge-sheet against accused for the offence punishable under Section 30 of Arms Act and under Section 125(B) of BNS.

2. It is the case of prosecution that, on 30.01.2025, around 10.30 PM within the jurisdiction of the Kalasa police station when the CW1, accused and CW10 were proceeding in coffee plantation belongs to the accused, the accused persons who is having a licensed SBML Gun, handed over the said Gun to CW1, even though the accused person is having the knowledge that the CW1 is not having any training how to use said SBML Gun. Further when the CW1 was carrying the said SBML Gun by accident he fell on the



pit and the SBML Gun which he was holding was blast in the spot, due to said blast the CW1 was sustained grievous injury on his left hand and thereby the accused has committed the offence punishable under Section 30 of Arms Act and under Section 125(B) of BNS.

3. The copies of charge sheet materials are supplied to the accused in compliance of Section 230 of BNSS. The accused is released on bail. After hearing the prosecution and accused, the charges are framed for the offence punishable under Section 30 of Arms Act and under Section 125(B) of BNS and the same is read over to the accused, the accused pleaded not guilty and claimed to be tried.

4. In order to bring home the guilt of accused, the prosecution has examined witnesses as PW1 to PW13, got marked documents as Ex.P1 to Ex.P30 and material object is marked as MO1 to MO10, and closed its side.

5. After completion of prosecution evidence, the incriminating evidence appearing against the accused is read over and his statements under Section 351 of BNSS, is recorded. The accused has denied the incriminating evidence and did not choose to lead defense evidence.



6. Heard the arguments addressed by both side and also perused the entire materials on record.

7. The points that arise for consideration are as follows:

- 1.** Whether the prosecution proved beyond all reasonable doubt that on 30.01.2025, around 10.30 PM within the jurisdiction of the Kalasa police station when the CW1, accused and CW10 were proceeding in coffee plantation belongs to the accused, the accused persons who is having a licensed SBML Gun, handed over the said Gun to CW1, even though the accused person is having the knowledge that the CW1 is not having any training how to use said SBML Gun. Further when the CW1 was carrying the said SBML Gun by accident he fell on the pit and the SBML Gun which he was holding was blast in the spot, due to said blast the CW1 was sustained grievous injury on his left hand and thereby



committed the offences punishable under Section 125(B) of BNS?

2. Whether the prosecution proved beyond all reasonable doubt that on the said date, time and place, the accused person who is having a licensed SBML Gun, handed over the said Gun to CW1, even though the accused person is having the knowledge that the CW1 is not having any training how to use said SBML Gun and thereby committed the offences punishable under Section 30 of Arms Act?

3. What order?

8. The findings of this Court on the above points are:

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

Point No.2: **In the Negative**

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

REASONS

9. Points No.1 and 2: These points require common appreciation of materials on record. Thus, to avoid repetition of facts and appreciation, the same are taken for common discussion.



In order to bring home the guilt of the accused persons, the prosecution has examined CW1 to 5 as PW1 to 5 who are complainant and mahazar witness turned hostile to the entire case of the prosecution by stating that they are not having any information with respect to the present case. Prosecution treated them as hostile witness and cross examined them. During cross-examination nothing credible information has been elicited from the mouth of the PW1 to PW5.

10. The prosecution examined CW9 as PW6 who is head constable deposed that on 03.02.2025 he received a requisition to give report with respect to one Gun which they have found during investigation. On the said information he visited the spot and drawn the mahazar of the place where the said SBML Gun was placed and during the said period the accused has also handed over the two box of bullets and capes. Then he examined the said material objects and reported the same. During cross examination of PW6 he affirmed some suggestion and denied some suggestion put forth by the Prosecution.

11. CW10 and 11 examined as PW7 and 8 who are eye witness turned hostile to the entire case of the prosecution by stating that they are not having any information with respect to the present case. Prosecution treated them as hostile



witness and cross examined them. During cross-examination nothing credible information has been elicited from the mouth of the PW7 and 8.

12. CW24 as PW9 I.O who deposed that on 14.02.2025 he receiving the case file from the CW23, on the same day he recorded the statement of CW10 and 11 and also the statement of the accused. On 12.03.2025 he issued a requisition to Tahsildar seeking for the production of documents with respect to the place of incident. On 05.04.2025 he issued a requisition to CW12 seeking for the wound certificate of the victim and on the same day he requested the CW12 for the more information about the victim and on the same day he received the complete report from the CW12. On 17.04.2025 he issued a requisition to the Revenue Inspector. On 06.05.2025 he received a document with respect to the place of incident from CW18. On 17.06.2025 he recorded the further statement of the CW1. On 17.06.2025 he filed the charge-sheet against the accused person. During cross examination of PW9 affirmed some suggestion and denied some suggestion put forth by the Prosecution.

13. CW23 as PW10 I.O who deposed that on 03.02.2025 he receiving the case file from the CW21, on the



same day he requested the SP Chikkamagaluru to send Soco officer. On the same day he drawn the mahazar in the presence of CW2 and 3 as the incident place shown by the accused and also seized blood stained stones and on the same day seizure mahazar has been drawn in the presence of CW2 and 3 as the material object shown by the accused person which are in his possession. On 04.02.2025 he issued notice to the accused under Section 35(3) of BNSS. Then the accused has appeared before him and produce his license by acknowledging the seized SBML Gun belongs to him. On 06.02.2025 the said license has been seized in the presence of CW4 and 5 around 6.00 PM to 7.30 PM. On 03.02.2025 he issued a requisition to the A.J.Hospital Mangalore to collect the cloths worn by the CW1 during the incident and the blood group of the CW1. On 08.02.2025 he received the said report. Then he sent the material objects for chemical examination to CW16 and 17. For the further investigation he handed over the case file to CW24. During cross examination of PW10 affirmed some suggestion and denied some suggestion put forth by the Prosecution.

14. CW12 as PW11 doctor who deposed that on 31.01.2025 around 1.00 PM the CW1 along with CW12 has visited his hospital with the history of the Gun blast and the



CW12 has examined. During cross examination of PW11 affirmed some suggestion and denied some suggestion put forth by the Prosecution.

15. CW6 as PW12 Soco Officer who deposed that on 03.02.2025 he received an information through Control room and the I.O. of the present case has took the CW6 and his team to the place of incident. Then as per the instruction of the I.O. they have collected the blood stain, stones and mud from the place of the incident around 2.20 to 3.20 PM. During cross examination of PW12 affirmed some suggestion and denied some suggestion put forth by the Prosecution.

16. CW21 as PW13 ASI who deposed that on 01.02.2025 around 7.30 AM as per the instructions given by the CW24 he recorded the statement of the CW1 at A.J.Hospital Mangalore and produce the same before SHO around 9.30 PM. During cross examination of PW13 affirmed some suggestion and denied some suggestion put forth by the Prosecution.

17. Herein the present case prosecution has alleged that on 30.01.2025, around 10.30 PM within the jurisdiction of the Kalasa police station when the CW1, accused and CW10 were proceeding in coffee plantation belongs to the



accused, the accused persons who is having a licensed SBML Gun, handed over the said Gun to CW1, even though the accused person is having the knowledge that the CW1 is not having any training how to use said SBML Gun. Further when the CW1 was carrying the said SBML Gun by accident he fell on the pit and the SBML Gun which he was holding was blast in the spot, due to said blast the CW1 was sustained grievous injury on his left hand.

18. During examination, except the official witnesses including the complainant turned hostile to the entire case of the prosecution. It is not the case that the official witnesses cannot be considered, but the said evidence needs to be cogent and reliable. But, herein the present case the CW1 who is the complainant in the present case turned hostile to the entire case of the prosecution. Hence there is no material placed on record in order to believe the offence alleged against the accused person and the prosecution has failed to establish the case beyond reasonable doubt. Even though, the official witnesses deposed in support of prosecution, it is after thought of the incident. Hence by giving benefit of doubt in favor of accused this court answered the points No.1 and 2 in **Negative.**



19. Point No.3: For the reasons recorded on the above points No.1 and 2, this Court proceed to pass the following:

ORDER

Accused is acquitted of the offence punishable under Section 30 of Arms Act and under Section 125(B) of BNS.

The bail bonds stand cancelled.

The bonds executed in compliance of Section 481 of BNSS shall be in force for a period of 6 months from the date of judgment.

MO2 to 4 be confiscated to the state and MO1, 5 to 10 being worthless are ordered to be destroyed after the completion of appeal period.

*(Directly dictated to the Stenographer, typed by him on computer, corrected and then pronounced by me in the open court on this the **12th Day of AUGUST 2026 at Mudigere.**)*

(Suraksha K.K.)
I Addl. Civil Judge & JMFC.,
Mudigere.

**ANNEXURE****LIST OF WITNESSES EXAMINED ON BEHALF OF THE PROSECUTION:-**

PW.1 : Jnanaprakash
PW.2 : Vishwanath
PW.3 : Sathish
PW.4 : Mahammad Shameer
PW.5 : Aboobakkar
PW.6 : Vishnukumar
PW.7 : Aligesan
PW.8 : Naveen
PW.9 : Chandrashekhar A.M.
PW.10 : Adarsh Kumar G.R.
PW.11 : Dr. Murali
PW.12 : Nikhitha
PW.13 : Poornesh M.D.

LIST OF DOCUMENTS MARKED ON BEHALF OF THE PROSECUTION:-

Ex.P1 : Statement / complaint
Ex.P1(a) : Signature of PW1
Ex.P1(b) : Signature of PW13
Ex.P2 : Statement of PW1
Ex.P3 : Spot mahazar
Ex.P3(a) : Signature of PW2



Ex.P3(b) : Signature of PW3
Ex.P3(c) : Signature of PW10
Ex.P4 : Seizer mahazar
Ex.P4(a) : Signature of PW2
Ex.P4(b) : Signature of PW3
Ex.P4(c) : Signature of PW6
Ex.P4(d) : Signature of PW10
Ex.P5 & 6 : Photographs
Ex.P7 : Notice
Ex.P7(a) : Signature of PW4
Ex.P7(b) : Signature of PW5
Ex.P7(c) : Signature of PW10
Ex.P8 : Mahazar
Ex.P8(a) : Signature of PW4
Ex.P8(b) : Signature of PW5
Ex.P8(c) : Signature of PW10
Ex.P9 to 11 : Photographs
Ex.P12 : Statement of PW7
Ex.P13 : Statement of PW8
Ex.P14 : Letter to Tahsildar
Ex.P14(a) : Signature of PW9
Ex.P15 : Tahsildar Report
Ex.P15(a) : Signature of PW9
Ex.P16 : Letter to RI



Ex.P17 : Letter dt: 05.04.2025
Ex.P17(a) : Signature of PW9
Ex.P17(b) : Signature of PW11
Ex.P18 : Letter dt: 05.04.2025
Ex.P18(a) : Signature of PW9
Ex.P18(b) : Signature of PW11
Ex.P19 : Sworn statement of accused
Ex.P19(a) : Signature of PW9
Ex.P20 : Requisition dt: 03.02.2025
Ex.P20(a) : Signature of PW10
Ex.P21 : Notice
Ex.P21(a) : Signature of PW10
Ex.P22 : Letter dt: 03.02.2025
Ex.P22(a) : Signature of PW10
Ex.P23 : 63(4)(c) certificate
Ex.P23(a) : Signature of PW10
Ex.P24 : 63(4)(c) certificate
Ex.P24(a) : Signature of PW10
Ex.P25 : 63(4)(c) certificate
Ex.P25(a) : Signature of PW10
Ex.P26 : Compact disc
Ex.P26(a) : Signature of PW10
Ex.P27 : Compact disc
Ex.P27(a) : Signature of PW10



Ex.P28 : Compact disc
Ex.P28(a) : Signature of PW10
Ex.P29 : Medical report
Ex.P29(a) : Signature of PW11
Ex.P30 : Wound certificate
Ex.P30(a) : Signature of PW11

LIST OF MATERIAL OBJECTS MARKED ON BEHALF OF THE PROSECUTION:-

MO1 : Black color bag
MO2 : Bullet
MO3 : Gun power in Aluminium box
MO4 : Plastic box of Gun Cape
MO5 : Coconut katta
MO6 : White cotton
MO1(a) to
MO6(a) : Signature of PW10
MO6(b) : Signature of PW12
MO7 : Stones
MO8 to 10 : GSR Swab Tube Report
MO8(a) to
MO10(a) : Signature of PW10



LIST OF WITNESSES EXAMINED ON BEHALF OF THE ACCUSED:-

-----Nil-----

LIST OF DOCUMENTS MARKED ON BEHALF OF THE ACCUSED :-

-----Nil-----

(Suraksha K.K.)
I Addl. Civil Judge & JMFC.,
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