



**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 THE 11th DAY OF JUNE 2026

CRIMINAL CASE NO:1520/2023

BETWEEN :

The State, represented by
Banakal Police Station,
Mudigere Taluk.

...Complainant

(By Learned APP)

AND :

Yalloji Rao @ Chethan,
Aged about 33 years,
S/o Shivajirao,
R/o Subhash Nagara, Banakal,
Banakal Hobli, Mudigere Taluk,
Chikkamagaluru District.

Native of Baranduru Village,
Bhadravathi Taluk,
Shivamogga District.

... Accused

(By Sri.H.G.Adarsha, Adv.,)



1	Date of occurrence of offence	17.03.2023
2	Date of report of offence	23.03.2023
3	Name of complainant	Lalitha
4	Date of commencement of evidence	20.02.2025
5	Date of closure of evidence	13.01.2026
6	Offences complained of	Under Sections 454 and 380 of IPC
7	Opinion of the Judge	Accused found not guilty

(Suraksha K.K.)

I Addl. Civil Judge & JMFC.,
Mudigere.

JUDGMENT

The CPI of Mudigere Circle Mudigere has filed the charge sheet against the accused for the offences punishable U/s. 454 and 380 of IPC

2. The brief facts of the prosecution case is as under:

That on 17.03.2023 around 10.30 A.M within the jurisdiction of Banakal police station, when CW1 along with her



family members departed from her house to Mudigere in car, the accused person who has observed the same has entered into the house of the CW1 by using the keys which was kept in the flower pot and thefted the 29 grams of short necklaces with back chain, 10 gram 780 mili of short necklaces, 15 gram 100 mili of earring with ruby beats and 2 gram 950 mili of plain top earring and thereby the accused has committed the offences punishable under section 454 and 380 of IPC and on the basis of information given by CW1 the PSI Banakal has lodged FIR against the accused.

3. After submission of charge sheet this Court took cognizance for the offences punishable under section 454 and 380 of IPC and register the criminal case and issued summons to the accused.

4. In response to the summons, accused have appeared before this Court through his advocate and got enlarged on bail. The copies of prosecution papers were furnished to the accused



as per under section 207 of Cr.P.C,. Heard before charge. No grounds have made out to discharge the accused before framing of charge. Charges were framed, recorded, read over and explained to accused in language best known to him for the offences punishable under Section 454 and 380 of IPC for which accused has pleaded not guilty and claimed to be tried.

5. In order to prove the guilt of the accused, beyond all reasonable doubt the prosecution has got examined 10 witnesses as PW1 to PW10 and got marked Ex.P1 to Ex.P21 and Court has examined the accused under section 313 of Cr.P.C. the accused denied the incriminating evidence appearing against him and has not leaded any defence evidence.

6. Heard the arguments on both the side and perused the materials on record.

7. The following points would arise for the determination of the Court;



1. Whether the prosecution proved beyond all Reasonable doubt that on 17.03.2023 around 10.30 A.M within the jurisdiction of Banakal police station when CW1 along with her family departed from her house to Mudigere in car, the accused person who has observed the same has entered into the house of the CW1 by using the keys which was kept in the flower pot and thereby committed an offence punishable under section **454** of IPC.?
2. Whether on the above said date, time and place the prosecution proved beyond all reasonable doubt that the accused person thefted the 29 grams of short neckless with back chain, 10 gram 780 mili of short neckless, 15 gram 100 mili of earring with ruby beats and 2 gram 950 mili of plain top earring and thereby committed an offence punishable under section **380** of IPC.?
3. What sentence or order?
8. The answers to the above said points are as follows:-
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 prove the guilt of the accused, prosecution has examined CW1 complainant as PW1. During her examination in chief PW1 has deposed that March 23rd When CW1 search the godrej in order to wear gold ornaments to attend function she observed that the 29 grams of short necklaces with back chain, 10 gram 780 mili of short necklaces, 15 gram 100 mili of earring with ruby beats and 2 gram 950 mili of plain top earring were missed in godrej and on the same day around 10.30 to 11.00 A.M she lodged a complaint before Banakal police station and on April 2nd she received a call from the station with respect to the



identification of the accused person and on the same day she received the thefted gold ornaments from the accused person. During cross examination the CW1 turned hostile to the entire case of the prosecution. Even though the prosecution re-examined the CW1 nothing credible information has been received from the mouth of the PW1.

10. CW9 examined as PW2 who deposed that on 23.03.2023 when CW1 open the godrej in order to ware gold ornaments she observed the missing of gold ornaments in the godrej and the CW1 informed the same through telephone to CW9. Then the CW9 rushed to the house of the CW1 and they both went to the police station and lodge a complaint with respect to the missing of the gold ornaments. During cross examination the CW9 turned hostile to the entire case of the prosecution. Even though the prosecution re-examined the CW9 nothing credible information has been received from the mouth of the PW2.



11. CW10 examined as PW3 who deposed that on 23.03.2023 when CW1 open the godrej in order to ware gold ornaments, she observed the missing of gold ornaments in the godrej and the CW1 informed the same through telephone to CW9. Then the CW9 rushed to the house of the CW1 and they both went to the police station and lodge a complaint with respect to the missing of the gold ornaments. On 02.04.2023 the police have drawn the mahazar and the accused person has identified the thefted gold ornaments in police station and we have received the thefted ornaments before police station. During cross examination the CW10 turned hostile to the entire case of the prosecution. Even though the prosecution re-examined the CW10 nothing credible information has been received from the mouth of the PW3.

12. The CW2 to 6 examined as PW.4 to 8 who are the mahazar witnesses to the present case, has turned hostile to the entire case of the prosecution by stating that they are not aware



for what purpose they have attested their signature on Ex.P3 and 12 and they are not aware anything regarding the incident occurred in the present case. The prosecution treated them as hostile witness and cross examined them. During cross examination nothing credible information has been elicited in support of prosecution case.

13. CW.13 examined as PW9, WPC who deposed that on 23.03.2023 she received the complaint from the CW1 and registered the case for the offence punishable under Section 454, 457 and 380 of IPC under Cr.No.28/2023 and submitted the report to Court and her higher authority. During cross examination the CW.13 affirms some suggestion and denies some suggestion made by prosecution.

14. CW.15 I.O examined as PW10, who deposed that on 23.03.2023 he received a case file from Rannagowda Patil and on the same day he recorded the statement of CW8 to 10. On 02.04.2023 he issued requisition to the CW11 with respect to the



information about the accused person and since the accused affirmed about the theft his confession was recorded. Based on the statement of the accused person the mahazar was drawn in the presence of CW4 and 5. During the said time as per the instructions of the accused person the CW15 seized the thefted material objects from Sumathi jewellery in the presence of CW4 and 5 and on the same day he recorded the further statement of the CW8 to 10. ON 03.04.2023 he recorded the statement of CW11 and 12. Then he received the 65-B certificate from CW12. On 05.04.2023 he received a receipt with respect to the material object from CW1 and also received indemnity bond from the CW1 as per the direction of the Court. On 07.08.2023 he issued a requisition to PDO with respect to the document pertaining to the house of the accused. Then he filed a charge sheet against the accused person. During cross examination the CW.10 affirms some suggestion and denies some suggestion made by prosecution.



15. It is the case of the prosecution that, on 17.03.2023 around 10.30 A.M within the jurisdiction of Banakal police station when CW1 along with her family departed from her house to Mudigere in car, the accused person who observed the same has entered into the house of the CW1 by using the keys which was kept in the flower pot and thefted the 29 grams of short neckless with back chain, 10 gram 780 mili of short neckless, 15 gram 100 mili of earring with ruby beats and 2 gram 950 mili of plain top earring.

16. 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 and the CW8 and 9 who are the children of the CW1 and also the eye witnesses turned hostile in the present case 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. Accordingly, by giving benefit of doubt in favor of accused this court answered the points No.1 and 2 in **Negative**.

17. Point No.3: On the basis of above discussion on points No.1 and 2, this Court proceed to pass the following:

ORDER

Accused is hereby acquitted for the offences punishable under Section 454 and 380 of IPC.

Bail bonds stand cancelled.

Bonds executed in compliance of Section 437(A) of Cr.P.C., shall be in force for a period of 6 months from the date of judgment.

*(Dictated to the Stenographer, typed by him on computer, corrected and then pronounced by me in the open court on this the **11th Day of JUNE 2026 at Mudigere.**)*

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

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

PW.1 : Lalitha
PW.2 : Sunil B.L.
PW.3 : Sumitha B.L.
PW.4 : Rohith B.L.
PW.5 : Bhagyalkashmi
PW.6 : Punith Kumar
PW.7 : Avinash
PW.8 : Nikil V Jain
PW.9 : Vanitha M.
PW.10 : Somegowda P.

LIST OF DOCUMENTS MARKED ON BEHALF OF THE PROSECUTION:-

Ex.P1 : Complaint
Ex.P1(a) : Signature of PW1
Ex.P1(b) : Signature of PW9
Ex.P2 : FIR
Ex.P2(a) : Signature of PW9
Ex.P3 : Mahazar
Ex.P3(a) : Signature of PW1
Ex.P3(b) : Signature of PW4



Ex.P3(c) : Signature of PW5
Ex.P4 : Indemnity bond
Ex.P4(a) : Signature of PW1
Ex.P4(b) : Signature of PW10
Ex.P5 : Photograph
Ex.P6 : Compact disc
Ex.P7 : 65-B certificate
Ex.P7(a) : Signature of PW10
Ex.P8 & 9 : Photographs
Ex.P10 : Spot Mahazar
Ex.P10(a) : Signature of PW6
Ex.P10(b) : Signature of PW7
Ex.P10(c) : Signature of PW10
Ex.P11 : Photograph
Ex.P12 : Seizure mahazar
Ex.P12(a) : Signature of PW6
Ex.P12(b) : Signature of PW7
Ex.P12(c) : Signature of PW10
Ex.P13 to 15: Photographs
Ex.P16 : Statement of PW8
Ex.P17 to 20: Receipts
Ex.P17(a) : Signature of PW10
Ex.P18(a) : Signature of PW10



Ex.P19(a) : Signature of PW10
Ex.P20(a) : Signature of PW10
Ex.P21 : Sworn statement of accused
Ex.P21(a) : Signature of PW10

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

-----Nil-----

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.,
Mudigere.

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