



**IN THE COURT OF THE PRL. SENIOR CIVIL JUDGE &
J.M.F.C., AT: CHIKKAMAGALURU**

**Present : Smt. Kumari Sujatha. B.Com. LL.B.
Prl. Senior Civil Judge & CJM
Chikkamagaluru.**

Dated this the 12th day of June 2026

C.C. No.2258/2025

Complainant : The State by Town Police
Chikkamagaluru.

(By APP)

Accused : Yogesha S.N.
S/o Late Nagaraju S.L.,
Aged about 32 years,
R/o Sarpanahalli,
Uddeboranahalli Post,
Lakya Hobli,
Chikkamagaluru Taluk.

(By Sri. BMS Advocate)

Date of presenting : 20.09.2025
complaint

Name of the complainant : Ajam

Date of commencement of : 29.04.2026
evidence



Date of closing of evidence : 29.04.2026

Offence complained by : U/s 326(f) of BNS

Opinion of the Judge Acquitted

J U D G M E N T

The PSI of Town Police Station, Chikkamagaluru, has submitted charge sheet against the accused for the offence punishable under Section 326(f) of BNS.

2. The case of the prosecution in brief is as follows :-

That on 20.09.2025 at about 10-30 a.m., within the jurisdiction of Chikkamagaluru Town Police Station in front of Children and Maternity Hospital, situated at Dr.B.R.Ambedkar Road, by the road side when the CW.1- Azam was doing sugarcane business in a cart, then the accused by holding half litter plastic bottle in his hand told CW.1 why he has abused his mother who



came on the previous day to have sugarcane juice and also poured petrol on the sugarcane which was in the plastic bottle and put fire by the match box and thereby the sugarcane, paper glasses and Google scanner caught fire and thereby the accused has caused loss to the tune of Rs.1,500/- to the CW.1 and thereby the accused has committed the offence punishable under Section 326(f) of BNS.

3. Upon receipt of complaint, CW.10 has registered the case and submitted FIR before the Court. After investigation, the IO has submitted charge sheet against the accused for the offence punishable under Section 326(f) of BNS and the Court had taken cognizance of the above said offence. After filing of charge sheet, summons was issued to the accused and in consonance with the said summons, the accused had



appeared before the Court through his counsel and got released on bail. The charge sheet copy was furnished to the accused as contemplated under Section 230 of BNSS.

4. Heard before the charge. As there was sufficient materials available, charge was framed for the offence punishable under Section 326(f) of BNS and read over and explained to the accused in a vernacular on 18.02.2026 and the accused has pleaded not guilty and claimed to be tried.

5. To substantiate the prosecution case, the prosecution has examined one witness as PW.1 and got exhibited two documents at Ex.P.1 and P.2. Since, PW.1 being the Complainant had turned hostile to the prosecution case, this Court has closed the evidence of prosecution by rejecting the prayer of APP. Since, there



was no incriminating evidence led against the accused, 351 statement of the accused was dispensed with.

6. Heard arguments both side. Perused the depositions, documents exhibited and materials available on record.

7. Now the point arises for the determination of this Court are as follows:-

POINTS

- 1. Whether the prosecution proves beyond all reasonable doubt that on 20.09.2025 at about 10-30 a.m., within the jurisdiction of Chikkamagaluru Town Police Station in front of Children and Maternity Hospital, situated at Dr.B.R.Ambedkar Road, by the road side, when the CW.1- Azam was doing sugarcane business in a cart,***



then the accused by holding half litter plastic bottle in his hand told CW.1 why he abused his mother who came on the previous day to have sugarcane juice and also poured petrol on the sugarcane which was in the plastic bottle and put fire by the match box and thereby the sugarcane, paper glasses and Google scanner caught fire and thereby the accused has caused loss to the tune of Rs.1,500/- to the CW.1 and thereby the accused has committed an offence punishable under section 326(f) of BNS?

4. What Order ?

8. My findings on the above points are as follows:

Point No.1 : In the Negative

Point No.2 : As per final order for the

Following :-



REASONS

9. **Point No.1:** To substantiate the case of the prosecution, the prosecution has mainly relied on the evidence of PW.1 and Ex.P.1 and 2. PW.1- Ajam is the Complainant and he has deposed that he know the accused and he does not know CW.4 and 5 and he know CW.6. Further he deposed that the accused did not pour petrol to his sugarcane juice cart and the accused did not cause any loss to him. He identified the complaint and mahazar at Ex.P.1 and 2 and his signature at Ex.P.1(a) and 2(a) respectively and he deposed that he does not know the contents of the same and in his presence the Police did not seize any properties. Learned APP has treated him as hostile witness and cross examined, but nothing could be elicited from his mouth to prove the prosecution case.



10. Since, PW.1 being the Complainant himself had turned hostile to the prosecution and has deposed that the accused has not committed at any offence, this Court found that the examination of other witnesses would not serve any purpose. Hence, by rejecting the prayer of Learned APP, the prosecution side evidence was taken as closed. Since, there was no incriminating evidence led against the accused, 351 statement of the accused was dispensed with. Hence, by considering the oral and documentary evidence and documents available on record, the prosecution has miserably failed to prove its case beyond all reasonable doubt. Accordingly, the accused is entitled for acquittal. Accordingly, I answer the above Point No.1 is in the “**Negative**”.

11. **Point No.2:** As per my discussion as stated supra and my answer to Point No.1 is in the **Negative**, I proceed to pass the following :-



ORDER

Acting under Section 271(1) of BNSS, the accused is hereby acquitted of the offence punishable under Section 326(f) of IPC.

His bail bond and surety bond stands cancelled.

The property seized under P.F.No.158/2025 dtd: 20.09.2025 at item No.1 to 4 shall hereby ordered to be destroyed after appeal period is over as the same are worthless.

(Dictated to the Stenographer, transcript and typed her on the computer, then corrected, signed and pronounced by me in the open Court on this the **12th day of June 2026**)

Sd/-
(Smt. Kumari Sujatha)
Prl. Senior Civil Judge & JMFC,
Chikkamagaluru.



ANNEXURE

1. List of witnesses examined on behalf prosecution:

PW-1 : Ajam

2. List of exhibited documents for complainant:-

Ex.P.1 : Complaint

Ex.P.1(a) : Signature of PW.1

Ex.P.2 : Spot Mahazar

Ex.P.2(a) : Signature of PW.1

3. List of defence Witnesses:

-NIL-

4. List of documents exhibited for defence:

-NIL-

5. List of Material objects :-

-NIL-

Sd/-
(Smt. Kumari Sujatha)
Prl. Senior Civil Judge & JMFC,
Chikkamagaluru.