

**Order on Application filed by the Accused
under section 340 of Cr.P.C.**

The accused has filed the present application under Section 340 of the Cr.P.C., seeking initiation of proceedings against the concerned police official in respect of Ex.P50-CD, which was produced along with the charge sheet and subsequently found to be blank when examined by the Technical Wing of the District & Sessions Court, Chikkamagaluru.

2. It is not in dispute that Ex.P50-CD, which was admitted in evidence through the prosecution witness, was examined by the Technical Wing and found to contain no data. Accordingly, this Court, by order dated 07.05.2026, called upon the Investigating Officer to explain the circumstances under which the blank CD came to be produced along with the charge sheet.

3. In response, an ASI of Gonibeedu Police Station submitted a “ನಿವೇದನೆ” dated 17.06.2026, stating that while transferring the photographs

from the camera to the computer and thereafter burning the same onto the CD, due to a technical error the photographs were not copied to the CD. It is stated that the same was not intentional. Along with the said requisition, a CD containing the photographs has also been furnished.

4. The explanation offered by the police, coupled with the production of the CD containing the photographs, indicates that the non-recording of the photographs in Ex.P50 appears to have occurred due to a technical error while preparing the CD. At this stage, there is no prima facie material to establish that the concerned police official intentionally fabricated false evidence or deliberately produced a blank CD with an intention to mislead the Court.

5. The mere fact that Ex.P50 was found to be blank, in the absence of prima facie material showing intentional fabrication or deliberate use of false evidence, is not by itself sufficient to invoke Section 340 of the Cr.P.C. This Court is also not satisfied that it is expedient in the interests of

justice to initiate an inquiry in respect of the alleged offences. Accordingly, **the application filed by the accused under Section 340 of the Cr.P.C. is rejected.**

The subsequent CD containing the photographs taken on record.

Case is posted for objection to 348 of CRPC application filed by the accused.

**Senior Civil Judge and JMFC,
Mudigere**