



**IN THE COURT OF THE CIVIL JUDGE & J.M.F.C, AT:
N.R.PURA.**

**PRESENT: Sri Raghunatha Gowda K.T., B.Com. LL.B.
Senior Civil Judge and J.M.F.C., At N.R.Pura.**

DATED: This the 24th day of March, 2026

C.C. No.39/2025

Complainant : The State: N.R.Pura Police Station,
(Learned A.P.P.,)

//Vs//

Accused : 1. Sri. Mani K.,
S/o. Kuppaswamy,
Aged about 32 years,
Driver,
R/o. Gurupura Village,
Bargenahalli Post,
Tarikere Taluk,
Chikkamagaluru.

2. Sri. Karan Kumar,
S/o. Sampath Kumar,
Aged about 26 years,
Autorickshaw driver,
R/o. Gurupura Village,
Bargenahalli Post,
Tarikere Taluk,
Chikkamagaluru.

3. Sri. Manju Davana @ Aruna S.S.,
S/o. Suresha, Farmer,
Aged about 40 years,
R/o. Davana Village,



Kattinamane,
N.R. Pura Taluk,
Chikkamagaluru.

(Accused No.1 and 2 are represented by Sri. H.A.S.,
Advocate, Accused No.3 represented by Sri. V.G., Advocate)

ORDERS ON APPLICATION U/Sec. 348 OF B.N.S.S.

The application filed by the learned A.P.P. under section 348 of B.N.S.S., stated that on 01.06.2025 the mahazar was conducted by the Investigation Officer in the presence of Nandan and Darshan by oversight at the time of filing the final report the said persons are not mentioned in the witness list and if the summons issued to the said witnesses to give evidence no loss or hardship caused to the accused persons, on the other hand if the said application is rejected he will suffers irreparable loss. Hence, he prays to allow this application.

2. Per contra learned counsel for accused filed objection to the said application contended that the application filed by the prosecution is not maintainable under law or on facts. Further the Investigation Officer already file the final report and the Investigating Office was knowledge about the investigation, now file this application to fill up the lacuna to the prosecution case and the Investigation Office has right to file the supplementary charge sheet. Hence, he prays to reject the said application.



3. I have heard the arguments of both sides and perused the materials available on record.

4. Then the following points arise for my consideration:

1. Whether prosecution has made out sufficient cause to allow this application?
2. What order?

5. My findings to the above said points are as follows:

Point No.1 : In the Affirmative

Point No.2 : As per final orders
for the following;

REASONS

6. **Point No.1**: complainant filed this case against accused persons for offences punishable under Section 4, 5, 12(2) of The Karnataka Prevention of Slaughter and Preservation of Cattle Act, Section 11(1)(d) of Prevention of Cruelty to Animals Act and Section 192 of I.M.V. Act. On careful perusal of the records on 01.06.2025 the Investigation Officer conducted the mahazar in the presence of Nandan and Darshan, due to inadvertence he has not mentioned the



name of the said person in the witness list. Further in order to prove the said mahazar the examination of said witnesses are very much necessary.

7. Further as per Section 348 of B.N.S.S. states as under;

“Any Court may, at any stage of any inquiry, trial or other proceeding under this Sanhita, summon any person as a witness, or examine any person in attendance, though not summoned as a witness, or re-call and re-examine any person already examined; and the Court shall summon and examine or re-call and re-examine any such person if his evidence appears to it to be essential to the just decision of the case”.

As per the above said Section makes it clear that examine any persons in attendance though not summoned as a witness the Court shall summons and examine the such persons to essential to the just decision of the case.

8. In the present case the investigation officer as not mentioned the said person in the witness list and the examination of said witnesses is very much necessary to



prove the case and if the said application is allowed and issue a witness summons no loss or hardship caused to the accused persons and the accused persons are right to cross-examine the said witness with regard to mahazar. Hence the reason assigned in the application filed by the prosecution is satisfied and accordingly, aforesaid point for consideration is answered in the Affirmative.

9. **POINT No.2**: In view of the reasons assigned above, I proceed to pass the following:

ORDER

Application filed by the prosecution under Section 348 of B.N.S.S. is hereby allowed.

Issue witness summons to the Nandan and Darshan as stated in the application to give evidence before this Court.

No order for cost.

(Dictated to the Stenographer directly on the computer, then corrected and pronounced by me in the open court on this date the 24th day of March, 2026.)

(Raghunatha Gowda K.T.)
Senior Civil Judge & JMFC,
N.R.Pura.

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