

IN THE COURT OF THE I ADDL. CIVIL JUDGE AND
J.M.F.C., CHANNAGIRI

:: Present ::

Smt. Mahalakshmi. G

M.A., LL.B.,

**I Addl. Civil Judge & J.M.F.C.,
Chanangiri.**

C.C.No.2601/2025

Dated this the 17th Day of January 2026

COMPLAINANT : Channagiri Police Station

V/s

ACCUSED : Manjunatha

ORDER ON APPLICATION FILED U/Sec. 239 OF
CRPC

The accused filed present application through his counsel U/Sec. 239 of Cr.P.C praying to discharge from the charges leveled against him punishable U/Sec. 409 and 420 of IPC.

2. It is stated in the application that, the complainant clearly explained in his complaint that this dispute regarding 15th finance by oversight the amount of Rs.4,07,000/- was deposited to Govardhan Construction Private Limited instead of Prerana Motor Private Limited. The said Prerana Motor Private Limited provided auto to the Panchayath. He has not committed any Crime, by oversight it was happened. The Grama Panchayath members and others by colluding with others created false story of fraud against him. He has no power to buy or sell any

product before the Approval of the elected body pf Panchayath. The accused not received any cash from said Govardhana construction. The Complainant has not produced any document. If any mistake is happened by oversight authority has every chances to recover the money from the Govardhana Construction Limited, for the purpose of selling auto.

3. It is further submitted that the said mistake was done by the typist oversight. He has not done misappropriation of any amount of Village Panchayath. The complainant has tried to convert his oversight mistake as criminal dispute. The witnesses mentioned in the charge sheet are interested witnesses and untrustworthy. Under these circumstances, there is a conspiracy among the complainant and other witnesses against him. The complainant by concealing facts and to take advantages of present mistake has filed present application against him. Thus, prays to discharge him from the alleged offenses.

4. The learned APP has filed statement of objection resisting the claim of the accused and contended that the grounds narrated in the application are groundless. The investigating officer has conducted investigation and collected evidence and filed charge sheet against the accused alleging that, the accused person committed an offenses punishable under Sec. 409 and 420 of IPC. Thereafter,

this court has taken cognizance on 29/08/2025 for the said offenses and issued summons to the accused.

5. The gist of the charge sheet that during 2022-23 the Government had granted an amount of Rs.4,07,000/- in favor of Nuggihalli village panchayath for purchase of auto tipper vehicle to transfer and dispose of the garbage by collecting various villages. Accordingly, the said Panchayath authority purchased the said auto tipper vehicle from Prerana Motor Private Limited, Davanagere. Such being the case, the accused transferred the said amount through online to Govardhana Private Limited Construction. Thereafter, received the said amount by cash from the said construction company and utilized for his personal benefit. Thus, the accused made the said misappropriation of Government granted amount intentionally. In this regard, the first informant provided first information to the Channagiri Police Station. Accordingly, the FIR was registered against the accused for the offense punishable U/Sec. 406 and 408 and 420 of IPC initially. Thereafter, the investigating officer investigated the matter thoroughly and collected evidence and filed final report to the court alleging that the accused has committed the offenses punishable U/Sec. 409 and 420 of IPC.

6. Learned APP further stated that, on perusal of charge sheet records, it reveals that

prima facie accused had committed the alleged offense. The application suffers from bonafide and it is also not tenable on the sole ground of self-serving statement of accused. Accordingly, prays to reject the application.

7. Heard the learned counsel for accused and learned APP. Perused the application and entire records. On perusal of records, the following points would arise for my consideration.

POINTS

1. Whether the accused made out grounds to discharge him at this stage?
2. What Order?
8. My findings to the aforesaid points would be.

POINTS

Point No.1 : In the Negative,

Point No.2 : As per the final order
for the following:

REASONS

9. **Point No.1:-** When the case is posted for hearing before charge accused preferred present application. The learned counsel for accused has submitted that, whatever the evidences collected by the investigation officers are not supportive to the case of the prosecution and they are interested witnesses.

All the evidences are filled with falsity and no such confidence would repose upon the court to believe that there was prima facie incident had taken place among accused and the complainant. Thus, prays to discharge the accused by allowing this application.

10. The learned APP has submitted that, the matter has been reached at its conclusion by filing final report to the court and list of number of witnesses are annexed with the charge sheet on behalf of prosecution as to depose evidence. Accordingly this court taken cognizance for the offence alleged against the accused person and issued summons. On due service of summons accused appeared and filed bail application and obtained bail from this court. Alleging offence are triable as warrant trial cases.

11. Having taken note of the thoughtful submissions of both the learned counsel for accused and the learned APP, the accused preferred present application for discharge him for the charges leveled by the prosecution as groundless. In that legal scenario, it is first and foremost consideration before this court is, whether the application is tenable at this stage.

12. It is in this connection, my attention would go to the chapter 19 of Code of Criminal Procedure, which titled as trial of warrant-cases by magistrates.

The said chapter divided into 3 parts. Part-A is, cases instituted on police report, Part-B is, cases instituted otherwise than on police report. The Part-A consists, the provisions of Sec.238 to 243 and the Part-B consists, Sec.254 to 257. The Part-C is concluding part i.e., titled as conclusion of trial.

13. The Part-A is relating to the cases instituted on a police report. In the case at hand, the case is instituted on a police report. Therefore, the consideration of Sec.238 to 243 are material for just decision of the application at hand. The Sec.238 refers the compliance of Sec.207 of Cr.P.C. It relates to the appearance of accused persons and provision of supplying the charge sheet copies to the accused persons. Thereafter, the Sec.239 is lined out and it is with heading to the effect that, "when accused shall be discharged". As per this provision the court should extend the opportunity to accused person to say about framing of charges on the basis of charge sheet materials. If the court finds that there are no such grounds to proceed against the accused persons, then, the accused shall be discharged as the charges are groundless. After this exercise, if the court finds that there are materials, then, it should proceed to frame the charges in terms of Sec. 240 and thereafter proceed to record the evidence of prosecution.

14. Having taken note of the above said discussion, the accused in his application, stated that the said mistake is a bonafide one and occurred only on the ground of typographical error by over sight. The said ground urged for discharge of the accused cannot be considered at this stage and it requires full fledged trial. In that regard the application absolutely not tenable in the eye of law and it deserves to be dismissed. Accordingly, the **point No.1** held in the **Negative.**

15. **Point No.2:-** For the forgoing reasons, I proceed to pass the following:

ORDER

The application filed U/Sec.239 of Cr.P.C by the accused is hereby rejected.

No order as to cost.

On perusal of the order sheet this court noticed that the accused has not complied the court order dated 14-11-2025 and remained absent on subsequent hearing dates.

Hence, issues NBW to accused and notice to surety.

Call on 31-01-2026.

(Dictated to the stenographer typed by her directly on computer, corrected and then pronounced by me in Open Court on this **17th day of January, 2026.**)

(Smt. Mahalakshmi. G)
I Addl. Civil Judge & J.M.F.C.,
Channagiri.