

KAKB220000912025



IN THE COURT OF THE ADDL. CIVIL JUDGE & JMFC

AT ALAND

PRESENT

SMT.SUMAN CHITARGI., B.COM.,LL.M.
C/C. ADDL. CIVIL JUDGE & JMFC
ALAND

DATED THIS THE 7TH DAY OF FEBRUARY - 2026

CRIMINAL CASE No.20/2025

COMPLAINANT:

The State of Karnataka Represented by
Narona Police Station

(By A.P.P.)

V/s

ACCUSED:

3. Jayanand @ Jaibheem S/o Vithal Keramagi,
Aged: 35 years, Occ: KSRTC Driver-Cum-Conductor,
R/o Munnahalli, Tq:Aland.
4. Ramji S/o Vithal Keramagi,
Aged: 38 years, Occ: Coolie,
R/o Munnahalli, Tq:Aland.

(A-3 & 4: by Sri.B.G.Bilagi, Advocate)



ORDER ON APPLICATION FILED BY ACCUSED NO.3 AND 3
UNDER SECTION 239, 227 OF CODE OF CRIMINAL
PROCEDURE

Learned advocate for accused No.3 and 4 has filed instant application U/Sec.239 and 227 of Code of Criminal Procedure seeking discharge from charges levelled against them.

2. It is averred in the application that, applicants/accused No.2 and 3 are the employees working in the KSRTC, Tumkur Depot No.1 and 3 respectively. The accused No.3 and 4 are on duty as on the date of alleged commission of offence. The complainant have involved these accused persons in order to harass them. The I.O. at the time of filing charge sheet without considering any of the documents have involved their names as accused in the charge sheet. Though it is the allegation that present accused persons committed an act of abetment, but there is no any insertion of such offence in the charge sheet. The accused persons have no concerned with the offences as alleged in the charge sheet. There are no any document to show existence of enmity by the accused persons with the complainant. Since the date of appointment till this day accused No.3 and 4 never turned up towards the village.



The complainant by presuming that the present accused will lost their employment if they have been involved in the present case, has filed present case on false ground. The complainant knows well that there are rare chances of granting leave to the present accused persons from their department and on absent they may loose the salary. Hence, the complainant hatched a false story against the present accused and falsely involved in the present case by colluding with the investigating officer who filed charge sheet against the present without the valid grounds. Hence, prays to allow the application.

3. Learned APP filed objections to said application contending that, instant application is not maintainable either in law or on facts as such liable to be rejected in limine. The instant application is devoid of merits. Hence, prayed to reject this application in the interest of justice and equity.

4. On the basis of application and objections filed following points arise for my consideration:

1. Whether accused No.3 and 4 (as per charge sheet) proves that, upon considering police report and documents produced along with the



report, the charges leveled against them are groundless and hence, they are entitle for discharge?

2. What order?

5. Heard learned advocate for accused persons and learned APP. Perused material on record. This court's findings on above points is as under:

Point No.1 : Negative.

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

REASONS

6. **Point No.1:-** At the outset it is the case of the complainant that on 08.02.2024 CW5 has conducted a function at Danoor village near Dawal Malik Darga at that time, CW4 informed the drum beaters to go away from the place of cooking as they are facing hindrence. By hearing the same the accued No.1 and 2 presumed that CW4 is instructing them, picked up quarrel with him contnding that they will see him after the function. When he was return to the Munnahalli village, near Margemma Temple, when the CW4 was get down from the cruiser at the time, accused No.1 and 2 wrongfully restrained the movement of CW4, abused



in filthy words, threatened to his life, assaulted with iron rod on shoulder, both knees, back and by giving fist blow on face and head. Due to which CW4 sustained contusion injuries. Based on the abetment of the accused No.3 and 4, the accused No.1 and 2 threatened to finish the life of CW4.

7. The present application has been moved by the counsel for the accused No.3 and 4 seeking discharge on the sole ground that they are the employees working in KSRTC at Tumkur and Kalaburag Depot and in the charge sheet itself the I.O. has not alleged about the act of abetment by these accused persons. For better clarity of the said contention the contents of the same are extract which reads:

“ಅಪಾದಿತರ ಕುಮ್ಮಕು ಇರುತ್ತದೆ ಎಂದು ನಮೋದು
ಮಾಡಿರುತ್ತಾರೆ ಆದರೆ ಕುಮ್ಮಕು ಇದರ ಕಲಂ ಹಾಕಿರುವುದಿಲ್ಲ”

8. But on perusal of the charge sheet papers it clearly goes to show that the I.O. has filed charge sheet against accused No.1 to 4 for the offences U/Sec.341, 323, 324, 326, 504, 506 and 109 R/w 34 of IPC. Sec.109 of IPC is pertaining to act of abetment committed by the accused persons. To corroborate the said offence I have also gone through the contents of complaint wherein it is



contended that:

“ನಮ್ಮ ಅಣ್ಣಂದಿರಾದ ಜಯಾನಂದ @ ಜೈಭೀಮ ತಂದೆ ವಿಠಲ ಕೆರಮಗಿ, ರಾಮಜಿ ತಂದೆ ವಿಠಲ ಕೆರಮಗಿ ಇಬ್ಬರೂ ನಮ್ಮ ಹಿಂದೆ ಇರುತ್ತಾರೆ. ನಾವು ಏನು ಮಾಡಿದರೂ ನಮಗೆ ಅವರು ಬಿಡಿಸಿಕೊಂಡು ಬರುತ್ತಾರೆ, ನಿನಗೆ ಹೊಡೆದು ಖಲಾಸ ಮಾಡಿರಿ ಅಂತ ಹೇಳಿರುತ್ತಾರೆ.”

9. Hence, the contents of complaint clearly speaks about abetment act of the accused No.3 and 4 for commission of offence by the accused No.1 and 2. Sec.109 of IPC which was alleged against the accused meant an act of abetment committed by the rest of the accused for commission of offence on the victims by the main accused. Hence, when the allegations are made against the accused persons and when there are materials available on record, the court has to conduct the trial.

10. In the instant case, as per the statements of the witnesses produced alongwith the charge sheet by the investigation officer clearly reveals the encouragement made by the present accused No.3 and 4 for commission of offence by the accused No.3 and 4. The act of abatement by the present accused No.3 and 4 done or not will be considered after full-fledged trial. At this stage, this court cannot hold Mini trial. The present accused No.3 and 4 are



having every liberty to put forth their defence during the trial and the documents are going to be considered at the time of final disposal. With these observations, this court of the considered view that the accused No.3 and 4/petitioner are not entitled for discharge against the offences alleged against them. Further on the strength of material available on record, this court is already taken the cognizance for the offences U/Sec.109 of IPC. Hence, the contention taken with regard to there is no any allegation in the charge sheet with regard to abetment is not believable one. Considering all these material and discussion made in the foregoing paras, **I answer the Point No.1 in the Negative.**

11. **Point No.2:-** In view of discussion and conclusion arrived at Point No.1, this Court proceeds to pass following:

ORDER

**Application filed by accused No.3
and 4 U/Secs.239, 227 of Code of
Criminal Procedure is hereby rejected.**

(Dictated to the Stenographer on Computer directly, typed by him, Order corrected and signed by me, then pronounced by me in the Open Court on this the 7th day of February - 2026)

Date : 07.02.2026.

**(SUMAN CHITARGI)
C/C. ADDL.CIVIL JUDGE & JMFC
ALAND**



Dictated on : 07.02.2026.
Checked on : 07.02.2026.
Signed on : 07.02.2026.

SUMAN CHITARGI)
C/C. ADDL.CIVIL JUDGE & JMFC
ALAND

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