



IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC.,
VIRAJPET

PRESENT: **Sri. Vishwanath A.** B.B.A.,LL.B.,
Prl.Civil Judge & JMFC.,
Virajpet.

DATED THIS THE 03rd DAY OF AUGUST 2026

CRIMINAL CASE NO:947/2021

BETWEEN:

The State, represented by
Siddapura Police Station,
Virajpet Taluk.

...Complainant

(By Smt.Chaithra.M.G.,Learned A.P.P.)

AND:

1. Hamsa,
Aged about 52 years,
S/o Late Alavi,
R/at Badaga Banagala Village,
Virajpet Taluk.
2. Shakeer.P.H,
Aged about 24 years,
S/o Hamsa.P,
R/at Mata Badaga Banagala Village,
Virajpet Taluk.
3. Asees.K.S,
Aged about 42 years,
S/o Late Sydu,
R/at Kallalla Botepali,
Maldare Village,
Virajpet Taluk.
4. Nazeer,
Aged about 43 years,
S/o Late Mohamed,
R/at Mata Badaga Banangala Village,
Virajpet Taluk.



5. Basheer.P.M,
Aged about 26 years,
S/o Late Mohammad,
R/at Mata Badaga Banangala Village,
Virajpet Taluk.

(By Sri.A.M.Lohith,Adv.,)

1.	Date of occurrence of offence	12.05.2021
2.	Date of report of offence	13.05.2021
3.	Name of complainant	Xavier.C.K
4.	Date of commencement of evidence	08.06.2023
5.	Date of closure of evidence	17.11.2025
6.	Offences complained of	Section 379 and 429 of IPC and Section 4 read with Section 12 of the Karnataka Prohibition of Slaughter and Preservation of cattle Act, 2020.
7.	Opinion of the Judge	Accused persons found not guilty.

(Vishwanath A.)

Prl. Civil Judge & JMFC.,
Virajpet.

JUDGMENT

The PSI of Siddapura P.S., has filed the charge sheet against accused persons for the offences punishable under Section 379 and 429 of IPC and Section 4 read with Section 12 of the Karnataka Prohibition of Slaughter and Preservation of cattle Act, 2020.



2. The prosecution case is that on 12.05.2021 at about 8:00 p.m., CW1 had left his cow for grazing at Badaga Banangala Village. During that time, accused No. 1 to 5 committed theft of the said cow and transported it to Chowdi Kaadu Estate, belonging to BBTC Company. It is further alleged that the accused slaughtered the cow there, transported 65 kilograms of beef in a pickup vehicle bearing Registration No. KA-13-M-4035, and sold it at Hundi, Chennaianakote, and Maldare of Siddapura, causing loss to CW1 and thereby accused No.1 to 5 have committed the offences punishable under Section 379 and 429 of IPC and Section 4 read with Section 12 of the Karnataka Prohibition of Slaughter and Preservation of cattle Act, 2020.

3. The copies of charge sheet materials supplied to the accused persons in compliance of Section 207 of Cr.P.C. The accused persons are released on bail. After hearing the prosecution and so also the accused persons, the charges are framed for the offences punishable under Section 379 and 429 of IPC and Section 4 read with Section 12 of the Karnataka Prohibition of Slaughter and Preservation of cattle Act, 2020. The charges are read over and explained to the accused persons who pleaded not guilty and claimed to be tried.

4. In order to bring home the guilt of accused persons, the prosecution has examined witnesses as PW1 to PW14, got marked documents as Ex.P1 to Ex.P23. Material objects are marked as MO1 and MO14.



5. After completion of prosecution evidence, the incriminating evidence appearing against the accused persons are read over and their statement under Section 313 of Cr.P.C., is recorded. The accused persons denied the incriminating evidence and did not choose to lead defence evidence.

6. Heard the arguments addressed by both sides and also perused the entire materials on record.

7. The points that arise for consideration are as follows:

1. Whether the prosecution proves beyond all reasonable doubt that on 12.05.2021, at Badaga Banangala Village, the accused No.1 to 5, committed theft of the cow belonging to CW1 and thereby committed an offence punishable under Section 379 of IPC?
2. Whether the prosecution further proves beyond all reasonable doubt that after committing theft of the said cow, the accused No.1 to 5 slaughtered it, thereby causing loss of cattle to CW1, and thereby committed an offence punishable under Section 429 of IPC?
3. Whether the prosecution further proves beyond all reasonable doubt that the accused No.1 to 5 slaughtered the cow and transported 65 kilograms of beef in contravention of the provisions of the Karnataka Prevention of Slaughter and Preservation of Cattle Act, 2020, and thereby committed an offence punishable under Section 4 r/w Section 12 of the said Act?



4. What Order?

8. The findings of this Court on the above points are:

Point No.1: **In the Negative**

Point No.2: **In the Negative**

Point No.3: **In the Negative**

Point No.4: As per the final order
for the following:

REASONS

9. Point No.1to 3: Since these points are interlinked to each other and requires common appreciation of materials on record, they are taken for common discussion.

CW1 examined as PW1 is the victim who states that he had left his cow for grazing, but it did not return by evening. On the following day, between 8:30 a.m. and 9:00 a.m., he went in search of the cow and found only its skin and intestine in the plantation. He thereafter lodged a complaint with the police, marked as Ex.P1. The police visited the spot and drew a mahazar as per Ex.P2 in the presence of CW2, CW3, CW4, and CW5, and photographs marked as Ex.P3 to Ex.P5 were taken. In the cross-examination by the learned APP, PW1 admits that he had left the cow for grazing on 12.05.2021, and that on the same evening, his children CW2 and CW3 had gone in search of the cow but returned without finding it. He further states that on 13.05.2021, he, along with CW2 and CW3, went to Chowdi Kaadu Estate of BBTC Company, where they found bloodstains and the skin and intestine of the cow. He also



admits to having given a further statement to the police on 16.05.2021. During cross-examination by the defence, PW1 admits that the cow had an ear tag affixed by the veterinary doctor. He also states that he did not go in search of the cow on the same day he had left it for grazing.

10. CW2 and CW3 who are examined as PW2 and PW3 state that on 12.05.2021, they had left their cow for grazing, and it usually returned home between 5:00 p.m. and 6:00 p.m. However, on that day, the cow did not return. Their father CW1 and PW3 went in search of it, but were unable to find it. On the following day, they discovered bloodstains, the skin, and the intestine of the cow in the plantation belonging to BBTC Company. They identified the remains as belonging to their cow based on the skin. A complaint was then lodged with the police, who visited the spot and conducted a mahazar. The skin and intestine were subsequently burnt at the location. PW2 further states that on 16.05.2021, the police showed them the accused persons and informed them that the accused had slaughtered the cow. On the same day, the police seized material objects at MO1 to MO13 from the house of accused No.1. He also states that the police seized the Bolero vehicle allegedly used for transporting the beef.

11. In cross-examination, PW2 states that they did not witness the accused taking their cow. He further states that MO1 to MO13 were brought by the police from the house of accused No.1 while the mahazar was being prepared in his presence. He admits that he consumes beef and denies the defence suggestion that they



had sold the cow to someone else for slaughter. PW3 states that the Estate belonging to BBTC Company extends to about 2000 acres. He admits that wildlife attacks occur in and around the Estate and near his house. He also admits that he consumes beef but denies the defence suggestion that their cow was taken away by a wild animal.

12. CW4 examined as PW4 who is cited as a witness to the mahazar at Ex.P2, states that on 13.05.2021, he was present when the police conducted the mahazar in the presence of a veterinary doctor, during which the skin and intestine of the dead cow were found and photographs marked as Ex.P3 to Ex.P5 were taken. He states that he signed the mahazar at the spot. In cross-examination by the defence, PW4 states that he is a resident of Balale Village, Poonampet. At the relevant time, he was working as a field officer, and for that reason, the police called him to act as a witness, though no notice was issued to him. He states that no one specifically showed him the spot of occurrence, but, he saw it himself. He does not remember whether the police collected samples of the cow's body parts. He admits that tiger attacks may occur in the BBTC Estate, but denies the defence suggestion that CW1's cow was also attacked by a wild animal.

13. CW5 who is examined as PW6 is also a witness to the mahazar at Ex.P2. This witness states that he was present when the police conducted the mahazar at the Estate of BBTCL Company, where the skin and intestine of the dead cow were found. He states that the photographs marked as Ex.P3 to Ex.P5 were taken during



the mahazar proceedings. In cross-examination, PW6 states that he had gone to the Estate for work-related purposes, and the police called him to be a witness. He states that he and CW4 went together to the spot. He denies the defence suggestion that he is giving false evidence to support CW1 or that CW1 himself had slaughtered the cow.

14. CW7 examined as PW5 who is a witness to the mahazars at Ex.P7 and Ex.P8, deposes that on 16.05.2021, the police called him to witness the mahazar at Chowdi Kaadu Estate, Badaga Banangala Village, where they seized a knife and other objects under Ex.P7. He further states that the police subsequently drew the mahazar at Ex.P8 at Kallala Chottepalya. As per the prosecution, Ex.P7 was drawn at the spot of occurrence shown by accused No. 2 to 4, and Ex.P8 was drawn while seizing the Enfield motorcycle bearing Reg. No. KA-12-Q-1704 and cash of Rs.20,000/-, allegedly the proceeds from the sale of beef, from the house of accused No.3. PW5 was treated as partly hostile. During cross-examination by the prosecution, PW5 admits that the mahazar at Ex.P9 was drawn at the residence of accused No.4 while seizing the pick-up vehicle bearing Reg. No. KA-13-MH-035 and MO1 to MO13. He also admits that Ex.P8 pertains to the seizure of the Enfield motorcycle and MO14 cash. PW5 identifies the photographs at Ex.P10 to Ex.P15, stating that they were taken during the mahazar proceedings. In cross-examination by the defence, PW5 states that the police did not issue him any notice. He further states that all five accused persons were present at the alleged spot of occurrence, and thereafter they proceeded to the



house of accused No.4 in the police jeep. He states that he does not know the boundaries of the spot where the mahazar was drawn. Upon seeing accused No. 4 and 5 before the court, PW5 states that the house where the mahazar was drawn does not belong to either of them.

15. CW6 examined as PW12 is also said to be the witness to the mahazars at Ex.P7 to P9. This witness states that he does not know anything about the case, the police have not drawn any mahazar in his presence but admits his signatures in the mahazars at Ex.P7 to 9. He also states that the police did not seize anything in his presence, he signed the mahazar at the request of police and not given any statement to the police. PW12 further states that he had not seen the material objects at MO1 to 14 anywhere before. This witness is cross-examined by the learned APP who also made use of Ex.P20 claiming to be the earlier statement, but nothing in support of the prosecution case has been elicited.

16. PW7 to PW9 are police constables. These witnesses state that, pursuant to the instructions of CW16, they went in search of the accused persons on 16.05.2021 and found accused No. 1 to 4 at the public bus stop of Badaga Banangala Village. The accused were then produced before CW16, who recorded their voluntary statements and took them to the spot of occurrence, where a mahazar was drawn as per Ex.P7, the spot having been shown by accused No.4. PW8 and PW9 further depose regarding the drawing of mahazars at Ex.P8 and Ex.P9 at the house of accused No.4 and the seizure of the pick-up vehicle, the Enfield motorcycle, and MO1



to MO14. PW9 additionally states that he was the person who loaded the photographs onto the compact disc marked as Ex.P6 and issued the certificate at Ex.P18. During cross-examination by the defence, PW7 and PW8 state that they located accused No.1 to 4 based on information received and that they did not previously know the accused. PW9 states that he does not remember the exact registration number of the seized motorcycle. All three witnesses deny the defence suggestion that the mahazars were prepared at the police station and that the accused had no connection with the alleged offence.

17. CW12/PW10 is also the police constable who states to have assisted the CW16 in drawing the mahazars at Ex.P7 to 9. During his cross examination, this witness states that the accused No.3 had produced the cash at MO14 from the cupboard at his house. Even this witness denies the defence suggestion that the mahazars were prepared at the police station though the accused are not related to the alleged offence.

18. CW14/PW11 was the then Veterinary Doctor. This witness states that on 13.05.2021, he went to the Estate of BBTC Company at Badaga Banangala Village, as per the request of police. There he saw the body parts of dead cow. He inspected the same and issued the report at Ex.P19 on 14.05.2021. In his cross examination, this witness states that all cows will not be affixed with ear tags. He states that he did not scientifically examine the body parts of the dead cow.



19. CW15/PW13 is the Police Head Constable, states that on 13.05.2021 at 4:30 p.m., he received the complaint at Ex.P1 from CW1, and accordingly registered the FIR at Ex.P21. He then proceeded to the spot of occurrence along with CW1 and drew the mahazar as per Ex.P2 in the presence of CW4 and CW5. During the mahazar, he found the skin and intestine of the dead cow, seized them, and photographs marked as Ex.P3 to Ex.P5 were taken. He thereafter reported the seizure in PF No. 48/2021. As per court order, he burnt the seized skin and intestine on the same day. He also recorded the statements of CW4 and CW5. PW13 further deposes about drawing the mahazars at Ex.P7 to Ex.P9 and the seizure of the pick-up vehicle, scooter, Enfield motorcycle, and MO1 to MO14. During cross-examination, he states that CW1 did not provide any document relating to ownership of the cow.

20. CW16/PW14 is the PSI. This witness states that he had deputed CW8 to CW11 to search for the accused persons. On 16.05.2021, four accused were produced before him at 11:30 a.m. After recording their voluntary statements, he proceeded to the spot of occurrence and drew the mahazar at Ex.P7 from 1:45 p.m. to 2:30 p.m. in the presence of CW6 and CW7. He then went to the house of accused No.4, where he seized the pick-up vehicle bearing Reg. No. KA-13-M-4035, the scooter bearing Reg. No. KA-14-Y-1200, and MO1 to MO13, by drawing the mahazar at Ex.P8 from 3:00 p.m. to 4:00 p.m. Thereafter, he proceeded to the house of accused No.3, where he seized the Enfield motorcycle and Rs.20,000/- under the mahazar at Ex.P9, drawn from 4:45 p.m. to 5:45 p.m. On the same day, he recorded the statements of CW6 to



CW13 and reported the seizure to the Assistant Commissioner. PW14 further states that on 19.05.2021, he wrote a letter seeking documents relating to the spot of occurrence and subsequently received the reports marked as Ex.P19 and Ex.P23. On the same day, he recorded the voluntary statement of accused No.5 and released him. Finally, on 04.08.2021, he submitted the charge sheet against the accused.

21. In the cross examination, PW14 states that the cow belonging to CW1 was not registered and therefore it had not ear tag. Doctor had only issued certificate with respect to remains of cow and not the post-mortem report. He did not enquire as to from which place, the accused had allegedly stolen the cow. He states that since the FLS report about the blood stains were not necessary, he did not send the blood stain sample to FSL examination. PW14 states that he does not know whether the CW1 sells the beef.

22. As could be sifted from the prosecution materials, the prosecution though succeeded in establishing that CW1's cow went missing on 12.05.2021 and that on the following day skin and intestines of a dead cow were found in the BBTC Estate, the evidence placed on record falls short of proving that it was the accused persons who committed theft of the cow, slaughtered it and transported the beef. The testimony of PW1 to PW4 only establishes the fact that the cow was missing and that certain remains were found in the Estate. None of these witnesses claim to



have seen any of the accused taking away the cow or slaughtering it.

23. Needless to mention that the prosecution case is entirely based on circumstantial evidence. In a case resting upon circumstantial evidence, every incriminating circumstance must be firmly established and all such circumstances must form a complete chain leading only to the guilt of the accused. In the present case, the alleged recoveries under Ex.P7, Ex.P8 and Ex.P9 do not inspire confidence of the Court. One of the mahazar witnesses i.e., PW12, has completely disowned the prosecution case by stating that no seizure was made in his presence and that he signed the mahazars only at the request of the police. PW5, another mahazar witness, has only partly supported the prosecution and has admitted facts which create doubt regarding the manner in which the mahazars were conducted. Consequently, the recoveries of the alleged weapons, vehicles and cash cannot be safely relied upon.

24. The prosecution has further failed to scientifically connect the seized articles with the alleged offence. Though blood stains were allegedly found at the spot and on the seized articles, admittedly no samples were sent to the FSL. PW14 has admitted that no FSL examination was conducted as he considered it unnecessary. In the absence of scientific evidence, the prosecution has failed to establish that the blood stains were of the cow belonging to PW1 or that the seized weapons had been used for slaughtering the said cow. Further, the identity of the dead animal itself has not been satisfactorily proved. PW11, the Veterinary



Doctor, has admitted that he did not scientifically examine the body parts and has merely issued Ex.P19 after inspecting the skin and intestines. Though PW1 initially stated that his cow had an ear tag, PW14 has admitted in his cross-examination that the cow was not registered and therefore did not have an ear tag. This contradiction leads for serious doubt in the prosecution case.

25. Further, the prosecution has also failed to establish the alleged transportation and sale of 65 kilograms of beef. No independent witness from Hundi, Chennaianakote or Maldare has been cited or examined to prove the alleged sale. The alleged recovery of Rs.20,000/- from accused No.3 has not been linked with any sale transaction and remains an uncorroborated circumstance. The defence has elicited admissions that there are frequent attacks by wild animals, including tigers, in the BBTC Estate. Though such suggestion by itself may not establish the defence case, it nevertheless creates a reasonable alternative possibility which the prosecution has failed to eliminate by reliable evidence. Therefore, the circumstances relied upon by the prosecution do not form a complete and unbroken chain pointing exclusively towards the guilt of the accused. The benefit of doubt in the prosecution must therefore enure to the accused persons. Hence. Point No.1 to 3 are answered in Negative.

26. Point No.4: For the reasons recorded on the above points No.1 to 3, this Court deems it fit to acquit the accused. Hence, the following:



ORDER

Accused No.1 to 5 are acquitted of the offences punishable under Section 379 and 429 of IPC and Section 4 read with Section 12 of the Karnataka Prohibition of Slaughter and Preservation of cattle Act, 2020.

Bail bond stand cancelled.

Bond executed in compliance of Section 437A of Cr.P.C., shall be in force for a period of 6 months from the date of judgment.

MO1, 2, 8, 9, 11 to 13 being worthless are ordered to be destroyed and remaining properties be confiscated to state, after lapse of appeal period.

*(Dictated to the Stenographer, transcribed by her, corrected and then pronounced by me in the open court on this the **03rd day of AUGUST 2026, at Virajpet.**)*

(Vishwanath A.)
Prl. Civil Judge & JMFC.,
Virajpet.

ANNEXURE

LIST OF WITNESSES EXAMINED ON BEHALF OF THE PROSECUTION:-

PW.1 : Xaviear.C.K

PW.2 : C.Sabastin



PW.3 : C.X George
PW.4 : K.G.Bopanna
PW.5 : V.C.Suresh
PW.6 : Joseph
PW.7 : P.R.Lavakumar
PW.8 : Mallappa Mushigeri
PW.9 : Shivakumar.P
PW.10 : Vasanth Kumar.H.K
PW.11 : Dr.A.B.Thammaiah
PW.12 : Anilkumar
PW.13 : Ramesh.K.P
PW.14 : Mohanraj.P

LIST OF DOCUMENTS MARKED ON BEHALF OF THE PROSECUTION:-

Ex.P1 : Complaint
Ex.P1(a) : Signature of PW1
Ex.P1(b) : Signature of PW13
Ex.P2 : Spot Mahazar
Ex.P2(a) : Signature of PW1
Ex.P2(b) : Signature of PW4
Ex.P2(c) : Signature of PW6
Ex.P2(d) : Signature of PW13
Ex.P3 to 5 : Photos
Ex.P6 : CD
Ex.P7 : Spot Mahazar
Ex.P7(a) : Signature of PW5
Ex.P7(b) : Signature of PW7



- Ex.P7 (c) : Signature of PW8
- Ex.P7 (d) : Signature of PW9
- Ex.P8 :Seizure Mahazar
- Ex.P8(a) : Signature of PW5
- Ex.P8(b) : Signature of PW9
- Ex.P8(c) : Signature of PW10
- Ex.P8(d) : Signature of PW12
- Ex.P8(e) : Signature of PW13
- Ex.P8(f) : Signature of PW14
- Ex.P9 : Seizure Mahazer
- Ex.P9(a) : Signature or PW5
- Ex.P9(b) : Signature of PW8
- Ex.P9(c) : Signature of PW9
- Ex.P9(d) : Signature of PW12
- Ex.P9(e) : Signature of PW13
- Ex.P9(f) : Signature of PW14
- Ex.P10 to 17: Photos
- Ex.P18 : 65-B Certificate
- Ex.P18(a) : Signature of PW9
- Ex.P18(b) : Signature of PW14
- Ex.P19 : Certified copy of Veterinary Clinic, Maldare
- Ex.P19(a) : Signature of PW11
- Ex.P19(b) : Signature of PW14
- Ex.P20 : Statement of PW12
- Ex.P21 : FIR
- Ex.P22 : Photos
- Ex.P23 : RTC



LIST OF MATERIAL OBJECTS MARKED ON BEHALF OF THE PROSECUTION:-

MO1	:	Plastic Tarpel
MO2	:	Rope
MO3& 4	:	Sickle
MO5& 6	:	Knife
MO7	:	Small Knife
MO8 & 9	:	Two Chargeable light
MO10	:	Weighing scale
MO11& 12	:	Plastic bag
MO13	:	Log
MO14	:	40 notes of 500 denomination, totaling Rs.20,000/-

LIST OF WITNESSES EXAMINED ON BEHALF OF THE ACCUSED :-

-----Nil-----

LIST OF DOCUMENTS MARKED ON BEHALF OF THE ACCUSED:-

-----Nil-----

(Vishwanath A.)
Prl. Civil Judge & JMFC.,
Virajpet.