

KAKP410055462024



**IN THE COURT OF THE PRL. CIVIL JUDGE  
AND J.M.F.C. AT: GANGAVATHI**

Present : **Sri. Nagesh Patil,**  
B.Com,LL.B.,  
Prl. Civil Judge & J.M.F.C.,  
Gangavathi.

**Dated: 20<sup>th</sup> Day of August 2026**

**C. C. No.3401/2024**

**COMPLAINANT:** State by Town Police station.  
Gangavatjhi.  
**(By learned Sr.A.P.P.)**

**-V/s-**

**Accused** : Raja S/o Hulugappa Bankad,  
Age:28 years, Occ:Labour,  
R/o:Harijan wada,  
Hirejantakal,  
Tq:Gangavathi,  
Dist:Koppal.  
**[ By Sri.S.H., Advocate]**

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Date of commission of offence : 27-08-2024

Date of report of offence : 28-08-2024

Date of submission of charge sheet : 14-10-2024

Date of Charge framed : 15-10-2025

Date of recording of evidence : 06-06-2026

Judgment Posted on : 12-08-2026

Judgment Pronounced on : 20-08-2026

| Rank of the accused | Name of the Accused | Date of Arrest | Date of Release on Bail | Offences Charged with | Whether Acquitted or Convicted | Sentence Imposed | Period of Detention Undergone during trial for purpose of Sec.428 of the Cr.PC |
|---------------------|---------------------|----------------|-------------------------|-----------------------|--------------------------------|------------------|--------------------------------------------------------------------------------|
| 01                  | Raja                |                |                         | 78(iii) of KP Act     | Acquitted                      | --               | --                                                                             |

### **JUDGMENT**

The accused has faced trial for the offence punishable under Section 78(iii) of Karnataka Police Act upon the charge sheet filed by the PSHO of Town Police Station, Gangavathi.

**2.** The prosecution version in brief is as under:

It is alleged by the prosecution that on 27-08-2024 at 7-30 pm in a public place at Dalfin Cross, near Anegundi road, Gangavathi, the accused was found while playing Mataka gambling for his personal gain. Hence, the accused charge sheeted for the offence as stated supra.

- 3.** After completion of investigation, Investigating Officer has filed charge sheet against the accused. Thereafter, cognizance was taken and issued summons to the accused. Accused got enlarged himself on bail.
- 4.** Charge sheet copies were furnished to the accused in compliance of Section 207 of Cr.P.C.
- 5.** Substance of accusation recorded, read over and explained to the accused who pleads not guilty and claims to be tried. Hence, the case is posted for prosecution evidence.
- 6.** In order to establish its case, prosecution has examined the 4 witnesses as P.W.1 to P.W.4 and got marked 3 documents as Ex.P.1 to 3 and M.O. 1 to 3 and closed its side.
- 7.** Accused examined under Section 313 of Cr.P.C. 1973, the incriminating evidence appeared in the evidence of prosecution was read over and explained him, who denies the same and he submits no defence evidence.
- 8.** Heard learned A.P.P. and learned counsels appearing for the accused.

**9.** Upon hearing arguments and on perusal of materials placed on record, following points arises for consideration:

1. Whether prosecution proves beyond all reasonable doubts that on It is alleged by the prosecution that on 27-08-2024 at 7-30 pm in a public place at Dalfin Cross, near Anegundi road, Gangavathi, the accused was found while playing Mataka gambling for his personal gain and thereby committed an offence punishable under Section 78(iii) of Karnataka Police Act?

2. What order ?

**10.** My findings to the above points are as under:

Point No.1: In Negative.

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

**11. POINT NO.1:** -**11. POINT NO.1:** The provision under Section 78(iii) of Karnataka Police Act, 1963 reads as under:

“78(iii). **Opening, etc., of certain forms of gaming.**- Whoever, - (a) being the owner or occupier or having the use of

any building, tent room, enclosure, vehicle, vessel or place, opens, keeps or uses the same for the purpose of gaming,-  
(iii) on the amount or variation in the market price of any such commodity or on the digits of the number used in stating the amount of such variation;”

**12.** In view of the above said provision of law, the person being the owner or occupier or having use of any building, tent room, enclosure, vehicle, vessel or place opens, keeps or uses the same for the purpose of gaming on the amount or variation in the market price of any such commodity or on the digits of the number used in stating the amount of such variation shall be punished.

**13.** In order to bring home the guilt of the accused, out of 4 witnesses examined by the prosecution. P.W.2 and 3 are the pancha witnesses concerning the spot and seizure panchanama. They have turned hostile to the prosecution and nothing worth is elicited in the course of their cross-examination.

**14.** P.W.1 is the I.O. , who recorded statements of the witnesses, subjected the articles to P.F. and filed charge sheet against the accused.

**15.** P.W.4 is complainant in his evidence deposed that on 27-08-2024 at 7.00 pm when he was in police station, he got credible information that in a public place at Dalfin Cross, Anegundi road, Gangavathi, the accused was found while playing Matka gambling for his personal gain and he along with C.W-3 and 4 went to the spot and found that the accused was playing mataka gambling for his personal gain and he conducted the raid and arrested the accused and he seized the MO-1 to 3 from the accused and on enquiry accused stated that he will collect money and used keep himself. Thereafter he returned to the police station and filed complaint against the accused persons.

**16.** Despite best efforts made by the I.O. the independent witnesses i.e. panchas have turned hostile to the prosecution. Therefore the accused gets benefit of doubt. Therefore in the absence of evidence against the accused, the accused entitle for acquittal. Hence **Point No.1** is answered in the **negative**.

**17. POINT NO.2 :-** In view of the aforesaid reasons, I proceed to pass the following:-

**O R D E R**

***Acting U/s. 255(1) of Cr.P.C.  
accused acquitted for the  
offence punishable U/S 78(3) of  
K.P. Act. His bail bond stands  
cancelled.***

***M.O.1 Rs.690/- is valuable,  
hence confiscated the same to  
the government and M.O.2 and 3  
are worthless , hence destroy the  
same after appeal period is over.***

(Dictated to the Stenographer directly on computer, typed by her, corrected & then pronounced by me in the Open Court on this the **20<sup>th</sup> Day of August 2026**).

**(Nagesh Patil)  
Prl. Civil Judge & JMFC.,  
Gangavathi.**

**ANNEXURE****LIST OF WITNESSES EXAMINED BY  
PROSECUTION:**

|                   |                 |
|-------------------|-----------------|
| P.W.1 - Basavaraj | : IO            |
| P.W.2 - Ayyappa   | : Panch witness |
| P.W.3 - Hulugappa | : Panch witness |
| P.W.4 - Mahesh    | : Raid witness  |

**LIST OF WITNESSES EXAMINED BY ACCUSED:**

-NIL-

**LIST OF DOCUMENTS EXHIBITED BY PROSECUTION:**

Ex.P.1 - Complaint  
Ex.P.2 - FIR  
Ex.P-3 - Panchanama

**LIST OF DOCUMENTS EXHIBITED BY ACCUSED:**

-NIL-

**LIST OF MATERIAL OBJECTS:**

M.O.1 - Cash  
M.O.2 - Chit  
M.O.3 - Ball pen

(Nagesh Patil)  
Prl. Civil Judge & JMFC.,  
Gangavathi.