



**IN THE COURT OF THE II ADDITIONAL DISTRICT AND
SESSIONS JUDGE, MYSURU**

Dated this the 15th day of April, 2026

:: PRESENT ::

Sri Mallanagouda, B.Com., LL.M.,
II Addl. District & Sessions Judge,
Mysuru.

SC/203/2022

COMPLAINANT :: The State by Vidyaranyapuram
Police Station, Mysuru.

[By : learned Public Prosecutor]

V/s

ACCUSED :: Shivaraju and others

APPLICANT :: Santhosh @ Vasantha,
S/o. Mahabaleshwara,
Aged about 25 years,
R/at. Near Shakthi Nagara Part,
Shankthi Nagara, Mysuru.

[By : Sri. V.H.A., - Advocate]

**ORDERS ON APPLICATION FILED BY THE ACCUSED No.4
UNDER SECTION 227 OF Cr.P.C.,**

This is the case in which Police Inspector of
Vidyaranyapuram Police Station has filed charge sheet against
the accused persons for the offence under Section 370(2), 332

of I.P.C and Section 3 to 6 of Immoral Traffic Prevention Act, 1956.

2. Now the accused No.4 has filed application under Section 227 Cr.P.C. seeking to discharge him. In his application, the accused No.4 has contended as under ;

The police have not conducted the fair and proper investigation, intentionally they have charge sheeted accused No.1 to 6 by falsely implicating the accused No.4. The material and evidence collected by the police shows that accused No.4 was sitting in the hall while complainant raided the said house. The police have conducted the false case against accused No.4. As per the charge sheet, it is alleged that, accused persons were attempting to instigate the public to involve in prostitution. Further, as per the judgment of Hon'ble High Court of Karnataka in CrI.P.No.101635/2024, at least one of the witnesses shall be a respectable woman from the said locality at the time of such seizure. But that was not done by the Investigating Officer in the present case. Further, for investigation of offence under ITP Act, Investigation Officer must be below the rank of Inspector of Police. But herein the

present case, the Investigation Officer is not the Special Police Officer empowered to investigate the offence under the ITP Act. Therefore, accused No.4 is entitled for discharge.

3. To this application the learned Public Prosecutor has filed objection stating that, there is prima-facie evidence to show that accused persons have committed offences alleged against them. Infact, as per the prosecution accused No.1 to 5 have forcefully involved CW.5 in prostitution. Therefore, there is prima-facie evidence show that accused No.4 has committed offences alleged against him. Therefore, there is sufficient evidence to show that accused No.4 has committed the offence alleged against him and accused No.4 is not entitled for discharge.

4. Heard. Perused the entire record.

5. The only points that arises for my consideration is;

(1) Whether accused No.4 has made out valid grounds to discharge him under Section 227 Cr.P.C ?

(2) What Order ?

6. My findings on the above points are as hereunder;

Point No.1 : In the Negative,
Point No.2 : As per final order for the following;

:: REASONS ::

7. **POINT No.1:-** It is the case of the prosecution that, on 25.12.2015, when CW.1 Smt.Y.P.Chandrakala has conducted raid on the House No.185, situated at 27th cross 22nd Main J. P. Nagar, Mysuru, she found that accused No.1 to 5 forcibly involved CW.5 in prostitution. Thereby, they have committed the offences under Section 370(2), 332 of I.P.C and 3 to 6 of Immoral Traffic Prevention Act, 1956.

8. Now the counsel for accused No.4 has argued stating that, accused No.4 is not at all involved in the alleged act of prostitution, the gazetted special officer has not investigated the case. Therefore, accused No.4 is entitled for discharge.

9. On the other hand, learned Public Prosecutor has argued stating that, there is prima-facie material to show that

when CW.1 conducted raid, accused No.1 to 5 were in the house and they forced CW.5 to involve in prostitution. Therefore, there is prima-facie evidence to show that accused No.4 has committed the offence alleged against him. Therefore, accused No.4 is not entitled for discharge.

10. On perusal of the material available on record and submissions of counsel for accused No.4 and learned public prosecutor, it appears to me that, as while deciding the application for discharge, if by admitting the contents of the charge sheet and other documents as true, it appears that accused No.4 is liable for offence under Section 372 and Section 3 to 6 of the ITP Act. Then accused No.4 is not entitled for discharge. Herein the present case as per the statement of CW.1, accused No.1 to 5 were in the house and they forced CW.5 to involve in prostitution. It is not the case of the prosecution that accused No.4 was the customer of the prostitution. Therefore, if the averments of the charge sheet are considered as true definitely, accused No.4 is a liable to be convicted for the offence alleged against him. Therefore, accused No.4 is not entitled for discharge as claimed. Hence, it

is decided to reject the application filed by the accused No.4 under Section 227 Cr.P.C. Therefore, **Point No.1 is answered in Negative.**

11. **POINT NO.2**:- In view of above discussion, I proceed to pass the following;

ORDER

The application filed by accused No.4 under Section 227 Cr.P.C is rejected.

[Dictated to the Stenographer directly on computer, corrected, and signed by me and then pronounced in the Open Court, on this the **15th day of April, 2026**]

(MALLANAGOUDA)
II Addl. District & Sessions Judge,
Mysuru.