



**IN THE COURT OF I ADDL. CIVIL JUDGE & JMFC,  
HUNSUR**

**-:PRESENT:-**

**SMT. NAMRATA S HOSMATH, B.A., LL.B.,  
I ADDL. CIVIL JUDGE & JMFC,  
HUNSUR.**

**DATED THIS THE 08<sup>TH</sup> DAY OF APRIL, 2026**

**C.C. No.599/2021**

**COMPLAINANT:** State by Bilikere Police Station,  
Bilikere, Hunsur Taluk,  
Mysuru District.

**(By Asst. Public Prosecutor)**

**// Versus //**

**ACCUSED :** **Ningaraju @ Manta**  
S/o Late. Mantaiah,  
Aged about 29 years,  
R/at Hulyalu Village,  
Gavadagere Village,  
Hunsur Taluk,  
Mysuru District.

**(By Sri. M.A.N., Adv.)**

Date of commission of offence : 03.10.2019

Date of report of offence : 03.10.2019

Name of the complainant : Ravi

Date of recording evidence : 17.02.2026  
Date of closing evidence : 17.02.2026  
Date of Judgment : 08.04.2026  
Offences complained of : Under Sec.454, 380 of IPC.  
Opinion of the Judge : Accused found not guilty.

**(Namrata S Hosmath)**  
**I Addl.Civil Judge & JMFC.,**  
**Hunsur.**

**-:: J U D G M E N T:-**

The Police Sub Inspector of Bilikere Police Station has submitted the charge sheet against the accused for the offences punishable under Sec.454, 380 of IPC.

**2. The brief version of the prosecution case as unfolded during the trial as hereunder;**

It is the case of the prosecution that on 3.10.2019 at 1.30 p.m., within the jurisdiction of Bilikere Police Station, in Hulyalu Village, the complainant and his wife had locked the house and had been to work in the land. When they came back at 4.30 p.m. they saw that some one has opened the lock and entered the house, when they checked the cupboard they saw that bracelet weighing 10 grams(value of Rs.18,000) and cash of Rs.8,000/- was

missing and there by the complainant gave complaint for the offences punishable under Sec.454, 380 of IPC.

3. The informant CW-1 has set the law into motion by filing first information statement before the concerned SHO of Bilikere Police Station on 03.10.2019 at 7.10 a.m. Upon which Cr.No.218/2019 was registered. After registering the case, CW-17 took up investigation of the case and visited spot of the offence on 04.10.2019 and drew spot mahazar in the presence of panch witnesses and recorded the statement of the witnesses and after completion of the investigation, CW-17 has submitted the charge-sheet against the accused for the offences punishable under Sec.454, 380 of IPC.

4. As there were sufficient materials in the charge-sheet to proceed against the accused, cognizance for the offences punishable under Sec.454, 480 of IPC was taken. Accused has appeared before the court and was enlarged on bail. He was supplied with the prosecution papers in compliance with the mandatory requirements as envisaged under Sec.207 of Cr.P.C.

5. Since no grounds were made out to discharge the accused before framing of charge and prima-facie case being made out the charge against accused for

the offences punishable under Sec.454, 480 of IPC was framed. Same was read over and explained to the accused in the vernacular language known to him, for which the accused pleaded not guilty and claimed to be tried. Then the case was set down for prosecution evidence.

6. To prove the guilt of the accused the prosecution got examined one witness as PW-1 and got marked Ex.P-1 to Ex.P-3. Ex.P-1 is the complaint, Ex.P-1(a) is the signature of PW-1. Ex.P-2 is the Mahazar, Ex.P-2(a) is the signature of PW-1. Ex.P3 is the statement of PW.1.

7. As there were no incriminating circumstances appearing against the accused, the statement of accused as required under Sec.313 of Cr.P.C. was dispensed with.

8. Heard the arguments canvassed by the learned APP appearing for the State and learned counsel appearing on behalf of the accused and perused the materials available on record.

9. Having gone through the facts and circumstances of the prosecution case, the points that would arise for consideration of this court are as follows;

**POINTS FOR CONSIDERATION**

- 1. Whether the prosecution proves beyond reasonable doubt that on 3.10.2019 at 1.30 p.m., within the jurisdiction of Bilikere Police Station, in Hulyalu Village, the accused with an intention to commit theft entered the house of CW.1 by opening the lock and thereby committed an offence punishable under Sec.454 of IPC?**
- 2. Whether the prosecution proves beyond reasonable doubt that on the above said date, time and place, the accused has trespassed into the house of CW-1 and open the door of cupboard in the bedroom, and stolen a 10 gram gold bracelet worth of Rs. 18,000/- and Rs. 8,000/- cash and thereby committed an offence punishable under Sec.380 of IPC?**
- 3. What order?**

10. On appreciation of both oral and documentary evidence placed on record, and having heard the arguments canvassed by the learned counsel appearing for the accused and the learned

APP, the findings of this court on the above points are as follows;

**Point No.1 : In the Negative**  
**Point No.2 : In the Negative**  
**Point No.3 : As per final order**  
**for the following;**

**:: R E A S O N S ::**

11. **Point Nos.1 and 2:** These points are taken up together for common discussion as they are inter-related to each other and to avoid repetition of facts for the sake of convenience and brevity.

12. CW-1 is examined as PW-1 by name Ravi, who is a complainant. He has deposed that, 10 grams bracelet and Rs. 8,000/- was missing from his house, regarding which he had given oral information before police, at that time police had obtained his signatures on two writings. He has identified the complaint which is marked as Ex.P-1, his signature as Ex.P1(a) and mahazar as Ex.P2, his signature as ExP2(a). He has further deposed that, he does not know the contents written in Ex.P1 and Ex.P2. He has stated that, he has not given further statement before the police.

13. The prosecution treated PW-1 as hostile and cross-examined by suggesting about the case of the

prosecution, except denial nothing has been elicited to prove the case of the prosecution. He has denied the statement given by him before police, which is marked as Ex.P3. He has deposed that the bracelet is now in his custody. He has further deposed that, he and the accused person have compromised the matter.

14. The informant witness of the crime i.e., PW-1 being the main, material and star witness of the prosecution who should have deposed as per the projection made by the prosecution. But he has not supported his own case. When material witness has turned hostile to the case of the prosecution denying its entire version, substratum of the case of the prosecution is shaken. In view of the evidence of PW-1, there is no evidence on record to show that the accused has committed offences punishable under Sec.454, 380 of IPC.

15. This court is of the opinion that if other witnesses were examined by the prosecution and even if they support the prosecution case that would not be helpful as PW-1, he himself did not support the case of the prosecution. This court has dispensed with the examination of other witnesses, which could be only formal in nature. Hence, prosecution evidence is taken as closed. Therefore, the prayer of learned APP

to examine other witnesses is rejected and CW-2 to CW-17 were dropped.

16. It is for the prosecution to prove the ingredients of the offences alleged against the accused beyond reasonable doubt by leading cogent evidence. In the instant case leave it behind the ingredients of the offences the prosecution has failed to prove occurrence of the incident itself. On overall assessment of the oral evidence, adduced on behalf of the prosecution it reveals that the prosecution has miserably failed to prove the offences as alleged against the accused beyond reasonable doubt. Hence, as per the well settled principle of law, whenever doubt arises in the mind of the court, the benefit of doubt should be given in favour of the accused. Thus, the accused is entitled for the benefit of acquittal as nothing on record inspires this court to bring home the guilt of the accused. Accordingly, this court answers **Point No.1 and 2** in the **Negative**.

17. **Point No.3:-** In view of the discussion made and conclusion arrived at Point Nos.1 to 4, this court proceeds to pass the following;

**O R D E R**

**In exercise of powers conferred under Section 248 (1) of Cr.P.C, the Accused is hereby acquitted for the offences punishable Under Section 454, 380 of IPC.**

**Accused shall be set at liberty forthwith.**

**The bail bonds executed by the Accused and his surety shall remain in force till the expiry of appeal period as per Sec.437-A of Cr.P.C.**

**The properties seized under PF No.231/2019 dated 06.06.2020 i.e. Steel Lock registered under PR No.42/2026 being worthless is hereby ordered to be destroyed after appeal period is over.**

*(Dictated to the Stenographer Grade-III, transcribed & computerized by her, transcript revised, corrected, signed and then pronounced by me in the open Court on this the 08<sup>th</sup> day of April, 2026)*

**(NAMRATA S HOSMATH)  
I Addl. Civil Judge & JMFC.,  
Hunsur.**

**ANNEXURE****Witnesses examined for the prosecution:**

PW-1 : Ravi

**Documents exhibited for the prosecution:**

Ex.P-1 : Complaint

Ex.P-1(a) : Signature of PW-1

Ex.P-2 : Mahazar

Ex.P-2(a) : Signature of PW-1

Ex.P-3 : Statement of PW-1

**Witnesses examined for the Accused person:**

- Nil -

**Documents exhibited for the Accused person:**

- Nil -

**Material Objects marked for the prosecution:**

- Nil -

**Material Objects marked for the Accused person:**

- Nil -

**(NAMRATA S HOSMATH)**

I Addl. Civil Judge & JMFC.,  
Hunsur.