

KAMS700008682018



**IN THE COURT OF SENIOR CIVIL JUDGE AND JMFC
AT T. NARASIPURA**

PRESENT

SRI. HANUMANTHA G.H.

B.A.L., LL.M.

Senior Civil Judge and JMFC,
T. Narasipura.

C.C. NO.267/2018.

DATED THIS 07th DAY OF MARCH, 2026.

COMPLAINANT

: The State of Karnataka
Through the T. Narasipura P.S.
(By A.P.P.)

Vs.

ACCUSED

- : 1. Ravi S/o Siddarajashetty,
Age: 30 years.
2. Somanna S/o Mariswamy,
Age: 30 years.

Both are R/at: Hosakote village,
Nanjangud taluk,
Mysuru District.

(By Sri. R. Mahesh, Advocate)

1. Date of offence : 10.06.2016.
2. Date of report of offence : 20.12.2016.
3. Date of arrest of accused : - - - -

4. Date of release of them : - - - -
5. Name of the first informant : Javaraiah M.
6. Date of commencement of evidence. : 05.03.2026.
7. Date of closure of evidence : 05.03.2026.
8. Offences alleged : Sections 420 and 201 r/w 34 of IPC.
9. Opinion of the P.O. : Accused are not found guilty.
10. Complainant Rep. By : A.P.P.
11. Accused Rep. By : Sri. R. Mahesh, Advocate.

(HANUMANTHA G.H.),
Senior Civil Judge and JMFC,
T. Narasipura.

J U D G M E N T

The A.S.I. of T. Narasipura P.S. has filed the charge sheet against the accused for the offences punishable under Sections 420 and 201 r/w 34 of IPC.

2. The case of the prosecution is that:-

On 10.06.2016 the accused took the tractor and tailor bearing Reg. No.KA-55-T-273 and KA-55-T-274 belonging to C.W.1 from him for rent of Rs.11,000/- per month; but, the accused have not paid the rent amount when C.W.1 demanded him rather they paid Rs.10,000/- only instead of paying Rs.66,000/-; thereafter, they sold the said tractor

and tailor to one Raju of Davangere by destroying the documents of vehicle and thereby caused fraud upon C.W.1. Thus, the accused have committed the above offences.

3. On receipt of the charge sheet, the cognizance of the offences is taken and summons is issued to them. On appearance of them, they are enlarged on bail and the copy of charge sheet is furnished to them as per Section 207 of Cr.P.C.

4. The charges for the above offences are framed, read over and explained to the accused. They have not pleaded guilty, but claimed to be tried.

5. The prosecution has got a witness examined as P.W.1 and got 3 documents marked as Exs.P.1 to 3 to prove its case.

6. The examination of the accused under Section 313(1)(b) of Cr.P.C is dispensed with since there are no incriminating circumstances in the evidence of the prosecution witness.

7. The bail bonds of the accused and surety are taken as per Section 437-A Cr.P.C.

8. I have heard the arguments of both sides and perused the materials on record.

9. The points for consideration are as under:-

1. Whether the prosecution has proved beyond all reasonable doubts that on 10.06.2016 the accused took the tractor and tailor bearing Reg. No.KA-55-T-273 and KA-55-T-274 belonging to P.W.1 from him for rent of Rs.11,000/- per month; but, with common intention, the accused have not paid the rent amount when P.W.1 demanded him rather they paid Rs.10,000/- only instead of paying Rs.66,000/-; thereafter, they sold the said tractor and tailor to one Raju of Davangere by destroying the documents of vehicle and thereby caused fraud upon P.W.1. and thereby the accused have committed the offences punishable under Sections 420 and 201 r/w 34 of IPC?

2. What Order?

10. The answers to the above points are:-

Point No.1 : In the negative.

Point No.2 : As per final order.

REASONS

11. POINT NO.1:- P.W.1 is the first informant. He has completely denied the case of the prosecution. Though the F.I.S. and the spot mahazar are marked through him as Exs.P.1 and 2 respectively, he has denied the contents of them. He has also denied the case of the prosecution even in the cross-examination of him made by learned A.P.P. Hence, the further statement of P.W.1 is marked as Ex.P.3.

12. P.W.1 being the material witness has not supported the case of the prosecution. Therefore, the prayer of learned A.P.P. seeking issuance of summons to other witnesses is rejected. There is complete absence of evidence on record to hold that the prosecution has proved its case. Therefore, the accused need acquittal. Accordingly, the **point No.1** is answered in the **negative**.

13. POINT NO.2:- In view of the finding on the point No.1, I proceed to pass the following:-

ORDER

The accused are not found guilty for the offences punishable under Sections 420 and 201 r/w 34 of IPC. Hence, acting under Section 248(1) of Cr.P.C., they are acquitted of the above offences.

The bail bonds of the accused and surety taken at trial stage stand canceled.

The bail bonds of the accused and surety taken as per Section 437-A Cr.P.C. will exist for a period of 6 months from this date.

An interim order dated 13.01.2020 passed relating to the vehicle is made absolute.

(Dictated to the Stenographer directly on Computer, typed by him, corrected and then pronounced by me in the open court on this 07th day of March, 2026)

(HANUMANTHA G.H.),
Senior Civil Judge and JMFC,
T. Narasipura.

ANNEXURE

1. WITNESS EXAMINED FOR THE PROSECUTION:-

P.W.1 : Javaraiah.

2. DOCUMENTS MARKED FOR THE PROSECUTION:-

Ex.P.1 : F.I.S.

Ex.P.1(a) : Signature of P.W.1.

Ex.P.2 : Spot mahazar.

Ex.P.2(a) : Signature of P.W.1.

Ex.P.3 : Further statement of P.W.1.

3. WITNESS EXAMINED FOR THE DEFENCE:-

- N I L -

4. DOCUMENT MARKED FOR THE DEFENCE:-

- N I L -

(HANUMANTHA G.H.)
Senior Civil Judge and JMFC,
T. Narasipura.

(Separate Judgment is passed and pronounced in the open court)

ORDER

The accused are not found guilty for the offences punishable under Sections 420 and 201 r/w 34 of IPC. Hence, acting under Section 248(1) of Cr.P.C., they are acquitted of the above offences.

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Senior Civil Judge and JMFC,
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