

KAMS710012852018



IN THE COURT OF THE PRINCIPAL CIVIL JUDGE AND
J.M.F.C., AT T.NARASIPURA

:Present:

Sri. Sachin H.R.,B.A.LL.B.,
Prl.Civil Judge & J.M.F.C.,
T.Narasipura

Dated this the 09th day of July, 2026

C.C.No.427/2018

Complainant: *The State by P.S.I. Bannur P.S.*

(By Asst. Public Prosecutor)

-V/S-

Accused:

1. Siddaraju,
S/o Puttaraju @ Puttaswamy,
Aged about 23 years,

2. Umesha,
S/o Rangaiah,
Aged about 32 years,

Both are:
R/at Siddanahundi Village,
T.Narasipura Taluk,
Mysuru District.

(Accused No.1 & 2 by Sri. S.P.C., Adv.,)

1.	<i>Date of incident</i>	<i>26.01.2018</i>
2.	<i>Date of Report</i>	<i>26.01.2018</i>
3.	<i>Date of arrest of accused</i>	<i>26.01.2018</i>

4.	<i>Date of release of accused on bail</i>	27.01.2018
5.	<i>Period of accused in J.C.</i>	One day
6.	<i>Name of the complainant</i>	D.K. Lathesh Kumar, PSI
7.	<i>Date of commencement of evidence</i>	21.03.2023
8.	<i>Date of completion of evidence</i>	02.06.2026
9.	<i>Offences charged</i>	U/Sec.96 of Karnataka Police Act, 1963
10	<i>Opinion of the Judge</i>	Accused No.1 & 2 are not found guilty.

-Sd/-

(Sachin H.R.)

Prl. Civil Judge and J.M.F.C.,
T.Narasipura.

JUDGMENT

The P.S.I. of Bannur Police Station, Bannur has submitted the charge sheet against the accused No.1 and 2 in Bannur P.S. Cr.No.21/2018 alleging that they have committed the offences punishable U/Sec.96 of Karnataka Police Act, 1963.

2. The brief facts of the prosecution case in a nutshell are as under:

It is the case of the prosecution that on 26.01.2018 at night, within the limits of Bannur Police Station, the C.W.1

*and C.W.4 after completing their bandobast duty at Sri Vadgal Ranganatha Swamy Hill in their departmental jeep bearing Reg. No. KA-55-G-114 they patrolled through C.V.Koppalu, Maliyuru and Vaddarakoppalu villages and while patrolling on the Mysuru – Malavalli road at 01.45 a.m. in Bannur town, the accused No.1 and 2 hid their presence near Chamundeshwari Scooter Work Shop after seeing the police departmental jeep. Then, the C.W.1 and C.W.4 caught hold of the accused No.1 and 2 and at the time of body search of both the accused No.1 and 2 in the presence of panchas, an iron rod of length about 1½ feet length was found in the backside of the pant of the accused No.1 and thereby the accused No.1 and 2 were found under suspicious circumstances armed with dangerous instrument with an intent to commit an offence committed and thereby the accused No.1 and 2 have committed the offence punishable under **Sec.96 of Karnataka Police Act, 1963.***

3. *Further, the accused No.1 and 2 were arrested and produced before the Magistrate and they were*

remanded to J.C. The counsel for accused No.1 and 2 filed memos of appearance along with bail applications and the accused No.1 and 2 were enlarged on bail. After filing of final report, the prosecution papers were supplied to them in compliance of Sec.207 of Cr.P.C. Thereafter, substances of accusation were read over and explained to the accused No.1 and 2 in the language known to them and the accused No.1 and 2 pleaded not guilty and claimed to be tried.

4. *In order to substantiate the case of the prosecution and to bring home the guilt of the accused No.1 and 2, the prosecution in all examined 4 witnesses as P.W.1 to P.W.4, who are the complainant, mahazer witnesses and police official witness and got marked 4 documents at Ex.P.1 to Ex.P.4 and closed their evidence. Thereafter, the statements of the accused No.1 and 2 as required U/Sec.313 of Cr.P.C. was recorded and the accused No.1 and 2 denied the incriminating evidence appearing against them and submitted no defence evidence on their side and the matter was posted for arguments.*

5. *I have heard the arguments of both the sides and perused the entire materials available on record.*

6. *The points that would arise for consideration by this Court are as follows:*

1. *Whether the prosecution proves beyond all reasonable doubt that on 26.01.2018 at night, within the limits of Bannur Police Station, after seeing the police departmental jeep the accused No.1 and 2 hid their presence near Chamundeshwari Scooter Work Shops, then, C.W.1 and C.W.4 caught hold of accused No.1 and 2 and at the time of body search of both accused No.1 and 2 in the presence of panchas, an iron rod of length about 1½ feet was found near the waist of accused No.1 in the backside of his pant and thereby committed the offence punishable under **Sec.96 of K.P.Act?***

2. *What Order?*

7. *On appreciation of the evidence let in by the prosecution, I answered the above points as follows:*

POINT No.1: **In the Negative,**

POINT No.2: *As per the final order below for the following:*

REASONS**POINT No.1:**

8. It is the case of the prosecution that on 26.01.2018 at night, within the limits of Bannur Police Station, the C.W.1 and C.W.4 after completing their bandobast duty at Sri Vadgal Ranganatha Swamy Hill in their departmental jeep bearing Reg. No. KA-55-G-114 they patrolled through C.V.Koppalu, Maliyuru and Vaddarakoppalu villages and while patrolling on the Mysuru – Malavalli road at 01.45 a.m. in Bannur town, the accused No.1 and 2 hid their presence near Chamundeshwari Scooter Work Shop after seeing the police departmental jeep. Then, the C.W.1 and C.W.4 caught hold of the accused No.1 and 2 and at the time of body search of both the accused No.1 and 2 in the presence of panchas, an iron rod of length about 1½ feet length was found in the backside of the pant of the accused No.1 and thereby the accused No.1 and 2 were found under suspicious circumstances armed with dangerous instrument with an intent to commit an offence committed and thereby the

*accused No.1 and 2 have committed the offence punishable under **Sec.96 of Karnataka Police Act, 1963.***

9. *In order to prove their case the prosecution have examined the complainant/C.W.1 who is the Police Inspector and the C.W.4/Police official witness/Jeep Driver got examined themselves as P.W.1 and 3 respectively and have categorically deposed that they had been to Sri Vadgalaranganatha Swamy temple for bandobasth duty on 25.01.2018 at night and while they were returning on 26.01.2018 at 1.45 a.m. in the departmental jeep driven by the P.W.3, they found two persons were trying to hide their presence near Chamundeshwari Scooter Work Shop in Bannur town and the P.W.1 instructed the P.W.3 to enquire them and thus the P.W.3 stopped the accused No.1 and 2 and on enquiring them the accused No.1 and 2 admitted that they are the residents of Siddanahundi village and as they found the accused no.1 and 2 under suspicious circumstances, the P.W.1 with the help of P.W.3 managed to bring two panchas at C.W.2 and 3 to the spot and on searching the body of the accused No.1 and 2 in the*

presence of the panchas they found an iron rod of about 1½ feet length kept on the back of the pant worn by the accused No.1 and accordingly the P.W.1 drawn the spot cum seizure mahazar and thereafter the P.W.1 took accused persons to the police station at 3.00 a.m. and the P.W.1 himself prepared the report and himself registered the F.I.R. against the accused persons and further recorded the statements of C.W.2 to C.W.4 and further the P.W.1 produced the accused persons before the Court and after completion of investigation the P.W.1 filed charge sheet against the accused persons. Further the P.W.1 marked the complaint at Ex.P.1 and his signature at Ex.P.1(a), the Seizure mahazar at Ex.P.2 and his signature at Ex.P.2(a) and further identified the said iron rod which was marked as M.O.1. Likely the P.W.3 has also identified the seized iron rod marked at M.O.1.

10. *In order to prove the said case of the prosecution and to prove the due execution of the Seizure Mahazar drawn in the alleged spot and to believe the evidence led by the P.W.1 and 3 both being police official witnesses, the*

prosecution examined said mahazar witnesses to the said Mahazar drawn at Ex.P.2 at C.W.2 and 3 as P.W.2 and 4, who in their examination chief, even though the P.W.2 identified his signature on the Ex.P.2 at Ex.P.2(b) has deposed that he has signed the same at the police station and further both the P.W.2 and 4 have deposed that they don't not know the contents of the Mahazar at Ex.P.2 and that the police have neither drawn mahazar nor seized any material object in their presence and that they don't know about the case and that they have not seen the accused persons and the M.O.1 before and that they have not given any statements to the police. Thus, the P.W.2 and 4 have turned completely hostile to the case of prosecution. The learned Assistant Public Prosecutor treated the P.W.2 and 4 as hostile and cross examined them at length, but nothing is elicited from their mouth, which support the case of prosecution. Hence, the complaint at Ex.P.1 and the seizure mahazar at Ex.P.2 remained not proved.

11. As such in the light of the evidence led by the P.W.1 and 3 with that of the independent eye witnesses

cum mahazar witnesses at P.W.2 and 4, there is absolutely no corroboration and the P.W.2 and 4 being the material eye witnesses to the prosecution case have absolutely not supported the case of the prosecution. Hence, the prosecution has utterly failed to prove its case beyond all reasonable doubts.

12. *On appreciation of over all evidence led by the prosecution, there is no iota of evidence to bring home the guilt of the accused No.1 and 2. Hence, in the light of my discussions held above, I am of the view that the prosecution has utterly failed to prove the charges leveled against the accused No.1 and 2 beyond all reasonable doubts. As such, the accused No.1 and 2 are entitled for acquittal. **Accordingly, I answered the point No.1 in the Negative.***

POINT No.2:

13. *In the light of my detailed discussions on point No.1, I proceed to pass the following:*

ORDER

Acting U/Sec. 255(1) of Cr.P.C., the accused No.1 and 2 are not found guilty and are hereby acquitted for the offences punishable **U/Sec.96 of Karnataka Police Act, 1963.**

The bail bonds and surety bonds of the accused No.1 and 2 stand canceled.

The M.O.1 seized vide P.F.No.15/2018 dated 26.01.2018 shall be confiscated to the State, after expiry of appeal period.

(Dictated to the Stenographer, on computer and computerized by him, corrected by me, and then pronounced in the open Court on this the 09th day of July, 2026.)

-Sd/-

(Sachin H.R.)
Prl. Civil Judge and J.M.F.C.,
T.Narasipura.

A N N E X U R E

1. List of witnesses examined on behalf of prosecution:

P.W.1 : Lathesh Kumar.D.K;
P.W.2 : Srinivasa;
P.W.3 : Puttaswamy;
P.W.4 : B.K.Thimmegowda;

2. List of documents exhibited on behalf of prosecution:

Ex.P.1 : *Self Statement Report;*
Ex.P.1(a) : *Signature;*
Ex.P.2 : *Mahazar;*
Ex.P.2(a) & (b) : *Signatures;*
Ex.P.3 : *F.I.R;*
Ex.P.4 : *Statement of PW.2;*
Ex.P.5 : *Statement of PW.4;*

3. List of M.O.'s marked on behalf of prosecution:

M.O.1 : *Iron Rod*

-Sd/-

(Sachin H.R.)

*Prl. Civil Judge and J.M.F.C.,
T.Narasipura.*

Case Called out. Accused No.1 and 2 and their counsel are present.

(Order is pronounced in the open court vide separate Judgment)

ORDER

Acting U/Sec. 255(1) of Cr.P.C., the accused No.1 and 2 are not found guilty and are hereby acquitted for the offence punishable U/Sec.96 of Karnataka Police Act, 1963.

The bail bonds and surety bonds of the accused No.1 and 2 stand canceled.

The M.O.1 seized vide P.F.No.15/2018 dated 26.01.2018 shall be confiscated to the State, after expiry of appeal period.

**(Sachin H.R.)
Prl. Civil Judge and J.M.F.C.,
T.Narasipura.**