IN THE COURT OF PRL., CIVIL JUDGE & JMFC- AT SINDHANUR

PRESENT : **Smt. RUPA C.VAGGA.** B.B.A. LL.B.,
Prl.Civil Judge and JMFC-Sindhanur.
C/C IInd Addl Civil Judge and JMFC-Sindhanur.

DATED THIS THE 01st DAY OF JUNE-2026

C.C.NO.1326/2020

COMPLAINANT:

The State
through Sindhanur Town Police Station.

(By A.P.P,)

//Vs//

ACCUSED:

1. Ramanna S/o. Rayappa Bappurdavaru
Age: 40 Yrs., Occ: Agri.,

2. Pampapathi S/o. Dyamappa @ Dyavappa
Age: 45 Yrs., Occ: Agri.,

3. Husenappa s/o. Dyamappa @ Dyavappa
Age: 55 Yrs., Occ: Agri.,
All R/o. Haretnur village, Tq: Sindhanur
Dist: Raichur

(By Sri. K.B.G., Adv)

J U D G M E N T

The PSI of Sindhanur Town Police Station have filed the Charge Sheet against the accused for the offences punishable Under Secs,. 465, 468, 471, 120-B, 419, 420, 504 R/w 34 of Indian Penal Code.

2. **<u>The brief facts of the Prosecution case is as follows:</u>**

It is the allegations of prosecution that, within the limits of Sindhanur Town PS, one Hanumanthappa who was the wife of complainant/C.W-1 is the owner of 4 acres of land bearing Sy.No.22/*/A/2 totally measuring 8 acres of land. The said Hanumanthappa died on 15.06.1998. Further alleged that, in the year 2004, accused No.1 himself created false documents on the 08 acres of land of the said Hanumanthappa before the SBM Bank of Sindhanur city and on date: 29-06-2004, a mortgage deed no.1577/04-05 dated 29-06-2004, for which accused no.02 and 03, even though they knew that Hanumanthappa had died and signed as a witnesses and cheated. Further, on 13-07-2004 accused No.1 gave false documents to the State Bank of Mysore branch, Sindhanur, posing as Hanumanthappa and took a loan of Rs. 5 lakhs for a tractor in the name of an agricultural loan and later he did not repay the loan money to the bank and cheated. Later, when C.W-1 asked accused no.01 about the loan, accused no.01 abused her in filthily. Hence, the accused have committed the above said offences.

3. Based on police complaint, the PSI of Town Police station had registered the case in Crime.No.214/2017 against Accused. On filing of charge sheet, this court has taken the cognizance for the offences punishable U/Secs.,419, 420, 465, 467, 468, 471, 120B R/w Sec., 149 of Indian Penal Code and registered the case against accused. On taking cognizance, this court has issued summons to the accused. On service of summons accused

appeared before the court through their counsel and enlarged on bail.

4. The copy of charge sheet were supplied to accused as contemplated U/Sec.207 of Cr.P.C. Charges were framed for the offences punishable U/Secs. 465, 468, 471, 120-B, 419, 420, 504 R/w Sec., 34 of Indian Penal Code. The accused denied the incriminating substance against him and claimed to be tried. Thus, the case posted for prosecution evidence.

5. Accordingly, on commencement of trial the prosecution has examined eleven witnesses from P.W-1 to 11 and they got marked thirty-six documents as per Ex.P-1 to Ex.P-36 and closed their side evidence.

6. After completion of prosecution side evidence the accused was examined Under Section-313 of Cr.P.C and all the incriminating circumstances against the said accused persons appearing in the evidence of the prosecution was

put forth to the accused and their explanation was sought. The accused after understanding the same denied all the incriminating circumstances and submitted that they does not desire to file any written statement on their behalf or wish to lead any evidence on their behalf. Hence, the matter was posted for arguments.

7. Heard the arguments from Ld. APP and Ld. counsel for accused. And perused the material available on record.

8. The following Points that would arise for my consideration :-

<u>P O I N T S</u>

1. Whether the prosecution proves beyond all reasonable that, within the limits of Sindhanur Town PS, one Hanumanthappa who was the wife of complainant/C.W-1 is the owner of 4 acres of land bearing Sy.No.22/*/A/2 totally measuring 8 acres of land. The said Hanumanthappa died on 15.06.1998. Further alleged that, in the year 2004, accused No.1 himself created false documents on the 08 acres of land of the said Hanumanthappa before the SBM Bank of Sindhanur city and on 29-06-2004, a mortgage

deed no.1577/04-05 dated 29-06-2004, for which accused no.02 and 03, even though they knew that Hanumanthappa had died and signed as a witnesses and commit an offence of cheating. Further, on 13-07-2004 accused No.1 gave false documents to the State Bank of Mysore branch, Sindhanur, posing as Hanumanthappa and took a loan of Rs. 5 lakhs for a tractor in the name of an agricultural loan and later he did not repay the loan money to the bank and cheating the bank by dishonestly inducing the delivery of property and thereby accused committed an offence punishable under **Section-420 R/W Section-34 of Indian Penal Code .?**

2. Whether the prosecution proves beyond all reasonable doubt that, the accused with an intention to cheat the bank have forged and created the false document and have committed an offence punishable Under **Section 468 R/W Section-34 of Indian Penal Code .?**

3. Whether the prosecution proves beyond all reasonable doubt that, the accused has created forged documents and thereby accused committed the offence punishable under **Section-465 R/W Section-34 of Indian Penal Code .?**

4. Whether the prosecution proves beyond all reasonable doubt that, the accused with an intention to made unlawful gain loan amount created a false documents as a genuine document and thereby committed an offence punishable Under **Section-471 R/W Section-34 of Indian Penal Code .?**

5. Whether the prosecution proves beyond all reasonable doubt that, the accused giving false information to Sub-Registrar and by committing the illegal act before the bank and thereby committed the offence punishable Under **Section-120-B R/W Section-34 of Indian Penal Code .?**

6. Whether the prosecution proves beyond all reasonable doubt that, the accused persons shared their common intention to commit an offence obtaining the loan by impersonation and induced C.W-1 and bank and thereby the accused have committed the offence punishable under **Section-419 R/W section 34 of IPC?**

7. Whether the prosecution proves beyond all reasonable doubt that, the accused persons shared their common intention to commit an offence, when C.W-1 asked the accused no.1 about obtaining of loan at that time, accused abused her in filthily and thereby the accused have committed the offence punishable under **Section 504 R/W section 34 of IPC?**

8. What order?

9. My answers to above points are as follows :

Point Nos. 1 to 5	: in the Negative.
Point No.6.	: As per final order for the following :

<u>R E A S ON S</u>

10. **POINT NO.1 to 7 :-** These points are interlinked with each other hence, I have taken these points together for common discussion in order to avoid repetition of facts.

10(a). It is alleged by the prosecution that, within the limits of Sindhanur Town PS, one Hanumanthappa who was the wife of complainant/C.W-1 is the owner of 4 acres of land bearing Sy.No.22/*/A/2 totally measuring 8 acres of land. The said Hanumanthappa died on 15.06.1998. Further alleged that, in the year 2004, accused No.1 himself created false documents on the 08 acres of land of the said Hanumanthappa before the SBM Bank of Sindhanur city and on date: 29-06-2004, a mortgage deed no.1577/04-05 dated 29-06-2004, for which accused no.02 and 03, even though they knew that Hanumanthappa had died and signed as a witnesses and cheated. Further, on 13-07-2004 accused No.1 gave false documents to the State Bank of Mysore branch, Sindhanur, posing as Hanumanthappa and took a loan of Rs. 5 lakhs for a tractor in the name of an agricultural loan and later he did not repay the loan money to the bank and cheated. Later, when CW,1 asked accused no.01 about the loan, accused no.01 abused her in filthily.

11. The prosecution in order to bring home the guilt of the accused for the offences alleged examined eleven witnesses as P.W-1 to 11.

<u>Specimen Chart for Witnesses Examined.</u>

Prosecution Witness No.	Name of Witnesses	Description
1	Mallayya	Witness
2	Dyamanna	Witness
3	Ayyappa	Witness
4	Hulugayya	Pancha witness
5	Pampanna	Pancha witness
6	N.Venkat Rao	Bank employee
7	Indranatha Chatarji	Investigated officer
8	Vaijanathareddy	Investigated officer
9	Veerareddy	Investigated officer
10	Somashkehar	Investigated officer
11	Manjunatha	Investigated officer

12. The prosecution got marked documents as per Ex.P-1 to 36.

Specimen Chart for Exhibited Documents.

Exhibit No.	Description of the Exhibit	Proved by/Attested by
1 to 3	Statements	Not proved
4	Spot panchanama	Not proved
5	Seizure panchanama	Not proved
6	Letter dated 20.07.2018	Not proved
7	Loan application	Not proved
8	Application for agricultural credit	Not proved
9	Mortgage deed	Not proved
10	Deed of Guarantee	Not proved
11	Mortgage deed	Not proved
12	Letter dated 12.04.2019	Not proved
13	Bank Statement	Not proved
14	Report of fingerprint	Not proved
15	Certificate of fingerprint	Not proved
16 to 18	Sample fingerprints	Not proved
19	Complaint	Not proved

20	FIR	Not proved
21	Sketch Map	Not proved
22 and 23	Stamps	Not proved
24 to 26	RTCs	Not proved
27	C/c of Mortgage deed	Not proved
28	C/c of Report of Tahasildar	Not proved
29	C/c of Encumbrance	Not proved
30	C/c of Mutation	Not proved
31	Credit report	Not proved
32	Interview report	Not proved
33	Inspection report	Not proved
34 & 35	Bank statements	Not proved
36	No due certificate	Not proved

12(a). It is to be noted that, the complainant reported as dead.

13. The prosecution got examined P.W-1 to 3 to speak about the incident. But said witnesses have completely turned hostile to the case of prosecution. They deposed that, they do not know anything about this case and they have not given their statements to Police and they

don't know anything about the loan transaction. Accordingly, they were treated as hostile by the prosecution and cross-examined by Ld. APP by suggesting entire facts of the case, but they denied the same. Accordingly, incriminating parts of their statements were marked Ex.P-1 to Ex.P-3.

14. Prosecution examined pancha witnesses as P.W-4 and 5 to the spot and seizure panchanamas as per Ex.P-4 and 5. They deposed that they were not examined by the police authority, that the panchanama was conducted by the police as per Ex.P-4 and 5 was drawn in their presence they do not know the recitals of Ex.P.4 and 5 and they have not put their signatures to the Ex.P-4 and 5. P.W-4 and 5 were treated as hostile by the prosecution and they were cross-examined by Ld. APP. During the course of cross-examination they were suggested about the recitals of

panchanama as per Ex.P-4 and 5, but they denied the same.

15. The prosecution examined Bank employee as P.W-6. He deposed that, on 28.12.2017 at the request of Sindhanur Town police, he furnished the documents on 20.07.2018 as per Ex.P.6 to 11. P.W-7 is also Bank employee who deposed that he has received requisitions from police station, as per the request he furnished Ex.P-12 and 13.

16. The prosecution examined the investigation officers as P.W-9 to 11. They have deposed with respect to recording the statements of witnesses, drawing panchanama, collection of documents and conducting the chain of investigation in their official capacity.

17. The prosecution has alleged that accused No.1 created false and forged documents and produced the same before the State Bank of Mysore and got executed mortgage

deed bearing No.1577/2004-05 before the Sub-Registrar, Sindhanur, on 29.06.2004, by impersonating himself as Hanumantappa though his real name is Ramanna, and thereby obtained a tractor loan of Rs.5,00,000/-. It is further alleged that accused Nos.2 and 3 signed the said mortgage deed as witnesses and assisted accused No.1 in commission of the alleged offences. Further, it is alleged that the accused persons abused CW.1 in filthy language. Hence, before appreciating the oral and documentary evidence placed on record, it is necessary to discuss the ingredients of Sections 465, 468, 471, 120B, 419, 420 and 504 of the Indian Penal Code.

18. The Ld. APP argued that, in order to prove the case of the prosecution, the prosecution has examined in all 11 witnesses and got marked Ex.P-1 to 36. Though the independent witnesses have not supported the case of the prosecution, the evidence of the bank officials, fingerprint

expert and Investigating Officers clearly corroborates the documentary evidence placed on record. It is further argued that the evidence of PW.8/Fingerprint Expert coupled with Exs.P-14 to P16 clearly establishes that the thumb impressions found on Exs.P-7 to P11 belongs to accused No.1. Therefore, they proved their case. Hence, the Ld. APP sought for conviction of the accused persons for the alleged offences.

19. Per contra, the Ld. counsel for the accused vehemently argued that P.W-.1 to 3, who are the material and independent witnesses to the case of the prosecution, have turned hostile and have not supported the prosecution in any manner. Further, P.W-4 and 5, who are the spot and seizure pancha witnesses, have also turned hostile and failed to support the prosecution regarding the alleged seizure and spot mahazar proceedings. Further the evidence of the bank officials, fingerprint expert and Investigating

Officers is only official in nature and the same is not corroborated by trustworthy independent evidence. Furtehr argued that, the fingerprint evidence and FSL report are not conclusive in nature. It is also argued that the prosecution has failed to prove the ingredients of offences punishable under Sections 419, 420, 465, 468, 471 and 120B of IPC beyond reasonable doubt. Hence, they sought for acquittal of the accused persons by extending the benefit of doubt.

20. In order to appreciate the allegations made by the prosecution, it is necessary to understand the essential ingredients of Sections-465, 468, 471, 120B, 419, 420 and 504 of the Indian Penal Code.

Section-465 IPC – Punishment for Forgery

To constitute an offence under Section-465 IPC, the prosecution must prove:

1. That the accused made a false document or electronic record;

2. That such making of false document was done dishonestly or fraudulently;
3. That the accused intended to cause damage or injury to the public or any person, or intended to support any claim or title, or intended to cause any person to part with property, or intended to commit fraud.

Thus, the essential ingredient of the above provision is the “*creation of a false document with dishonest or fraudulent intention*”.

Section 468 IPC – Forgery for the Purpose of Cheating

To attract Section 468 IPC, the prosecution must establish:

1. That the accused committed forgery;
2. That such forgery was committed with the intention that the forged document shall be used for the purpose of cheating.

Therefore, mere forgery is not sufficient to prove the allegation of cheating; the prosecution must further proves “*intention to cheat by use of the forged document*”.

Section 471 IPC – Using as Genuine a Forged Document

The ingredients of Section 471 IPC are:

1. That the document in question is a forged document;
2. That the accused used or attempted to use the said document as genuine;
3. That the accused knew or had reason to believe that the document was forged.

Knowledge regarding the *"forged nature of the document"* is an essential ingredient of Sec., 471 offence.

Section 120-B IPC – Criminal Conspiracy

The ingredients of Section 471 IPC are:
1. An agreement between two or more persons;
2. Such agreement must be to do an illegal act, or to do a legal act by illegal means.

The essence of criminal conspiracy is the meeting of minds between the accused persons to commit an unlawful act. Direct evidence is seldom available and conspiracy may be inferred from surrounding circumstances and conduct of the accused.

Section 419 IPC – Punishment for Cheating by Personation

The prosecution must prove:

1. That the accused cheated another person;
2. That such cheating was by pretending to be some other person, or by knowingly substituting one person for another, or representing that he or another person is someone else.

Thus, impersonation with intent to deceive is the core ingredient of the offence.

Section 420 IPC – Cheating and Dishonestly Inducing Delivery of Property

To constitute an offence under Section 420 IPC, the prosecution has to establish:

1. That the accused cheated any person;
2. That by such cheating, the accused dishonestly induced the person deceived:
   a. to deliver any property, or
   b. to make, alter or destroy a valuable security or anything capable of being converted into valuable security;
3. That there was dishonest intention at the very inception of the transaction.

For an offence under Section-420 IPC, "*fraudulent or dishonest intention from the beginning*" is a mandatory requirement.

<u>Section 504 IPC – Intentional Insult with Intent to Provoke Breach of Peace</u>

To prove an offence under Section 504 IPC, the prosecution must establish:

1. That the accused intentionally insulted another person;
2. That such insult was intended or known to be likely to provoke the person insulted;
3. That such provocation was likely to cause the person to break public peace or commit any other offence.

As per the above Section-504, mere abuse or use of filthy language is not sufficient unless it is proved that the *insult was intentional and intended to provoke breach of peace*".

From the above ingredients it is necessary to appreciate the evidence of prosecution side whether the prosecution has successfully proved all the essential ingredients of the aforesaid offences beyond reasonable doubt against the accused persons or not.

21. As per the case of the prosecution, the accused persons committed an offence of cheating against the State Bank of Mysore, Sindhanur Branch. However, in the instant case, the complainant is none other than the wife of deceased Hanumanthappa. It is pertinent to note that during the pendency of the case, the complainant died.

22. As per the case of the prosecution, PWs.1 to 3 are material witnesses to prove their case. However, the said witnesses turned hostile and deposed against the case of the prosecution. Therefore, the prosecution has failed to prove the alleged offence of cheating through the evidence of PWs.1 to 3, who are independent witnesses to their case.

23. Further, the prosecution examined the spot and seizure pancha witnesses as PWs.4 and 5 in order to prove

Ex.P-4 and P-5. But both the said witnesses turned hostile and have not deposed about the spot mahazar conducted in their presence or regarding seizure of documents under the said mahazar. Hence, the prosecution failed to establish the contents of Ex.P-4 and P-5 through the evidence of the pancha witnesses.

24. Further, it is pertinent to note that though the allegation of the prosecution is that the accused persons cheated the State Bank of Mysore, the Bank Manager of the concerned branch is not the complainant in the present case. Moreover, as per Ex.P-7/Loan application, the loan was obtained by Hanumanthappa S/o Durgappa during the year 2004. However, Ex.P-19/complaint came to be lodged by CW.1 only on 14.09.2017. Thus, there is an inordinate delay of about 13 years in lodging the complaint and the prosecution has not offered any satisfactory explanation for such delay.

25. Further, Ex.P-11/Mortgage deed, is a registered document executed before the Sub-Registrar, Sindhanur. But till today the said document remained unchallenged. It is also pertinent to note that, as could be seen from Ex.P-20, initially the Bank Manager and Field Officer of State Bank of Mysore, Sindhanur Branch, were arrayed as accused No.4 and 5. However, during the course of investigation, the Investigating Officer deleted their names from the array of accused and cited them as CWs.11 and 12. Despite sufficient opportunities and best efforts made by the prosecution, CWs.11 and 12 did not appear before the Court and their presence could not be secured. Consequently, this Court dropped the evidence of CWs.11 and 12. The non-appearance of CWs.11 and 12 before the Court creates a serious doubt to the case of prosecution. Their conduct gives rise to an adverse inference regarding the manner in which the alleged loan transaction was

processed by the bank officials. The evidence placed before the Court indicates that the prosecution has failed to establish beyond reasonable doubt that the accused persons alone were responsible for the alleged act of cheating the State Bank of Mysore.

26. It is very important to note that the bank officials, namely P.W-6 and 7, have only deposed regarding furnishing of documents marked at Ex.P-6 to P-12. Except producing the said documents, they have not deposed anything with regard to the alleged act of cheating said to have been committed by the accused persons. Their evidence does not disclose that the accused persons had impersonated anyone, created forged documents, or dishonestly induced the bank authorities to sanction the loan amount. Further, PWs.6 and 7 have not specifically stated before the Court that the accused persons had produced false documents with fraudulent intention at the

inception of the transaction. Hence, the testimony of P.W-6 and 7 is not sufficient to establish the ingredients of offences punishable under Sections-419, 420, 465, 468 and 471 of IPC.

27. On careful reading of the evidence of PW.8/Fingerprint Expert, it appears that he has deposed that the left thumb impression of accused No.1 was compared with the thumb impressions available on Exs.P7 to P-11 and, according to him, the same were found tallying. Relying upon the said evidence, the learned APP argued that accused No.1 is liable to be convicted. Merely because PW.8 has stated that the thumb impressions were tallying, the same by itself is not sufficient to hold the accused guilty unless it establishes the identity of the accused beyond reasonable doubt.

28. It is pertinent to note that Exs.P-14, P-15 and P-16, namely the FSL reports and connected documents relied

upon by the prosecution, do not conclusively establish that the thumb impressions found on Exs.P-7 to P11 belong to accused No.1. Further, the FSL report is only an expert opinion under Section-45 of the Indian Evidence Act and the same is not a conclusive proof by itself. Expert opinion is only corroborative in nature and cannot take the place of substantive evidence. In the instant case, except the opinion evidence of PW.8, no independent and cogent evidence has been placed before the Court to establish that accused No.1 impersonated Hanumanthappa and executed the alleged mortgage deed by producing forged documents. Moreover, the prosecution has failed to establish that the offence of cheating by accused No.1 with the disputed documents. The evidence of material witnesses and independent witnesses has not supported the case of the prosecution. In such circumstances, the sole testimony of P.W-8 with an FSL report cannot base for conviction.

Therefore, this Court is of the considered opinion that the prosecution has failed to prove beyond reasonable doubt that the thumb impressions appearing on Ex.P-7 to P-11 belong to accused No.1 and consequently failed to establish the alleged offences against the accused persons.

29. As discussed supra, the prosecution has failed to substantiate the charge of forgery as per their case. Therefore, this Court is of the considered opinion that the prosecution has miserably failed to prove the guilt of the accused for the offences punishable under Secs,. 465, 468, 471, 120-B, 419, 420, 504 R/w 34 of Indian Penal Code. Hence, the accused are entitled to the benefit of doubt, and accordingly, they are acquitted of all the charges leveled against them. Hence, I answered **point No.1 to 7 are in the 'Negative'.**

30. **POINT NO.8:** For foregoing reasons, this court proceeds to pass the following :

ORDER

In exercise of the power conferred under Section-248(1) of Cr.P.C., 1973, the accused are acquitted for the offences punishable Under Secs,. 465, 468, 471, 120-B, 419, 420, 504 R/w 34 of Indian Penal Code

Bail bonds and surety bonds of accused shall stands cancelled.

(Directly dictated to the stenographer, typed by him corrected by me, then pronounced by me in the open court this the 01st Day of June-2026)

(Smt.RUPA.C.VAGGA)
Prl., CJ and JMFC-Sindhanur.
C/C IInd Addl., CJ & JMFC-Sindhanur.

:: ANNEXURE ::

LIST OF WITNESSES EXAMINED ON BEHALF OF THE PROSECUTION:

P.W.1	-	Mallayya
PW.2	-	Dyamanna
PW.3	-	Ayyappa
PW.4	-	Hulugayya

PW.5	-	Pampanna
PW.6	-	N.Venkat Rao
PW.7	-	Indranatha Chatarji
PW.8	-	Vaijanathareddy
PW.9	-	Veerareddy
PW.10	-	Somashkehar
PW.11	-	Manjunatha

LIST OF DOCUMENTS MARKED ON BEHALF OF THE PROSECUTION:

Ex.P-1 to 3	-	Statements
Ex.P.4	-	Spot panchanama
Ex.P.5	-	Seizure panchanama
Ex.P.6	-	Letter dated 20.07.2018
Ex.P.7	-	Loan application
Ex.P.8	-	Application for agricultural credit
Ex.P.9	-	Mortgage deed
Ex.P.10	-	Deed of Guarantee
Ex.P.11	-	Mortgage deed
Ex.P.12	-	Letter dated 12.04.2019
Ex.P.13	-	Bank Statement
Ex.P.14	-	Report of fingerprint
Ex.P.15	-	Certificate of fingerprint
Ex.P.16 to 18	-	Sample fingerprints
Ex.P.19	-	Complaint
Ex.P.20	-	FIR
Ex.P.21	-	Sketch Map
Ex.P.22 and 23	-	Stamps
Ex.P.24 to 26	-	RTCs
Ex.P.27	-	C/c of Mortgage deed
Ex.P.28	-	C/c of Report of Tahasildar
Ex.P.29	-	C/c of Encumbrance
Ex.P.30	-	C/c of Mutation

Ex.P.31	-	Credit report
Ex.P.32	-	Interview report
Ex.P.33	-	Inspection report
Ex.P.34 & 35	-	Bank statements
Ex.P.36	-	No due certificate

LIST OF MATERIAL OBJECTS EXHIBITED ON BEHALF OF THE PROSECUTION:

-Nil-

LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE:

- Nil -

LIST OF DOCUMENTS MARKED ON BEHALF OF THE DEFENCE:

- Nil –

Digitally signed by RUPA C VAGGA
Location: Prl.,Civil Judge and JMFC-Sindhanur C/c II Addl Civil Judge and JMFC, Sindhanur

(Smt.RUPA.C.VAGGA)
Prl., CJ and JMFC-Sindhanur.
C/C II^nd Addl., CJ & JMFC-Sindhanur.