



**IN THE COURT OF THE PRL., CIVIL JUDGE & JMFC,
AT MAGADI**

**Present: Sri. Nagarathnamma BAL. LL.B.,
Prl. Civil Judge & JMFC,
Magadi.**

C.C. No.17 of 2016

DATED THIS THE 03rd DAY OF AUGUST – 2026

Complainant:- State Rep. by Magadi Police Station

(By A.P.P.)

V/S

Accused :-

1. Sri. Narayana Murthy
S/o C.T Muniyappa
38 years,
R/at Thippasandra village,
Magadi taluk.
2. Sri. Pavan Kumar
S/o Late Ramachandraiah
21 years,
R/at Kamanna gudi street,
kalya gate, Magadi town,
3. Sri. Punith
S/o Late Rangappa
23 years
R/at hanumapura,
Magadi taluk.

**(By Sri.R.S Advocate for A1
& L.P.S. Advocate for A2)**



Date of commencement of offence : 07-04-2013
Date of report of offence : 07-04-2013
Name of the complainant : Sri. Harish Naika
Date of recording evidence : 27-07-2023
Date of closing of evidence : 21-11-2025
Offences complained of : 419, 420, 353, 468,
471D & F, 506 of IPC R/w
31 of RP Act
Opinion of the judge : Accused found not guilty
Judgment date : 03.08.2026

J U D G M E N T

The Sub Inspector of Magadi police station has filed charge - sheet against accused alleging that they have committed an offence punishable under Section 419, 420, 353, 468, 471 D&F, 506 of IPC R/w 31 of RP Act.

2. Brief facts of the prosecution's case are as under:-

There was a lost date for inclusion of names in the electoral roll for the Magadi Assembly Constancy on 24.04.2013. As per the prescribed procedure, applications in Form No. 6 submitted for inclusion of the names of the voters list required to be verified by the concerned officials before being entered in the electoral roll. 50 persons were submitted the applications seeking inclusion of their



names to Magadi Taluk office, during the verification, CW.2 has rejected certain application on the ground that said persons were absent and defective and there was no supportive documents. Therefore, accused No. 1 threatened CW2 with a dire consequences by saying if the names of the applicants, who suggested by him not included in the voters list, he will break the hand of CW-2. He Despite of expiry of the prescribed period for inclusion of names accused by using the login credentials of the taluk office, and himself has included names of 26 persons to be entered in the electoral roll without following any statutory procedure. As such, without following the statutory procedures names of the 26 persons were included in the electoral roll without proper verification. Further it is alleged that while including the names of the applicants in the voter roll by the officials, accused No. 1 obstructed the discharge of official duty of CW2, accused No. 1 to 3 and another accused acted in consent in a fraudulently and illegally in including the names of 26 persons in the voter list. Thereby accused have committed an offence punishable under Section 419, 420, 353, 468, 471D&F, 506 of IPC R/w 31 of RP Act.

3. Upon complaint given by the CW-1, the CW-10 has registered a case under Crime No. 126/2013. After completion of investigation, the investigating officer has filed charge sheet against the accused persons for the offence punishable under section 419, 420, 353, 468, 471 D&F, 506 of IPC R/w 31 of RP Act . Thereafter,



cognizance was taken for the above said offences and process has been issued.

4. Charge Sheet copies have been furnished to the accused persons in order to compliance of Section 207 of Cr.P.C.

5. Charges have been framed & read over and explained to the accused persons, who pleaded not guilty and claimed to be tried. Hence, the case is posted for Prosecution evidence.

6. In order to establish the guilt of the accused persons, the prosecution has examined 10 witnesses as PW-1 to PW-10 and got marked documents at Ex.P1 to Ex.P9 and closed it's side.

7. After completion of prosecution evidence, statement of the accused persons as required U/s 313 of Cr.P.C. has been recorded by explaining all incriminating evidence and circumstances appears against the accused persons. Wherein they have clearly denied the case of prosecution. But they have failed adduce the defense evidence.

8. Heard the arguments on both side materials available on record.



9. The points that would arise for consideration are:

1. Whether prosecution proves beyond all reasonable doubt that on 07-04-2013 at night in Magadi Taluk, Madbal Hobli. Nagabhovidoddi Village, within the limits of Magadi Police Station, accused No.1 to 3 to bring the form No.6 which contains 50 names and said to CW-1, to insert the names in the voter list by unauthorized and thereby committed the offence punishable U/s 419 of IPC?
2. Whether the prosecution further proves that on the above said date, time & place the with furtherance of common object to commit an offence, accused No.1 to 3 forged the voter list by unauthorized inclusion of 26 names in voters list by cheating with an intention to take away the property belonging to him dishonestly and thereby, the accused persons have committed the offence punishable U/s.U/Sec.420 of IPC.?
3. Whether the prosecution further proves that on the above said date, time & place the with furtherance of common object to commit an offence, accused No.1 to 3 voluntarily restrained CW.1 by discharging his duty as public servant and thereby the accused persons have committed



the offence punishable U/s.353 of IPC.?

4. Whether the prosecution further proves that on the above said date, time and place, with furtherance of common intention to commit an offence, the accused No.1 to 3 forged voter list by inclusion of 26 names. intending that it shall be used for the purpose of cheating and thereby committed the offence punishable U/Sec.468 of IPC ?
5. Whether the prosecution further proves that on the above said date, time and place, with furtherance of common intention to commit an offence, accused No.1 to 3 in personation at on elections and undue influence or personation at on elections and thereby committed the offence punishable U/Sec.171(d) & (f) of IPC ?
6. Whether the prosecution further proves that on the above said date, time and place, with furtherance of common intention to commit an offence, accused No.1 to 3 unauthorizedly includes 26 names in the voter list and making false declaration in connection with the inclusion of 26 names in Voter list



and thereby committed the offence punishable U/Sec.31 of IPC ?

7. Whether the prosecution further proves that on the above said date, time and place, with furtherance of common intention to commit an offence, accused No.1 criminally intimidated CW.2 by threatening to take away his life by saying that "ಮತದಾರ ಪಟ್ಟಿಯಲ್ಲಿ ಹೊಸದಾಗಿ ಸೇರ್ಪಡೆ ಮಾಡುವ ಮತದಾರರ ಹೆಸರನ್ನು ಸೇರಿಸದೆ ಇದ್ದರೆ ಕೈಯನ್ನು ತೆಗೆಯುತ್ತೇನೆ", so as to cause alarm in his mind and thereby committed the offence punishable U/Sec. 506 of IPC ?

8. What order?

10. The findings to the above points are as under:

Points No.1 to 7: In the Negative;
Point No.8: As per final order for the following:

REASONS

11. **Points No.1 to 7:-** These points are inter-linked with each other, hence they are taken up together for common discussion in order to avoid the repetition of facts and circumstances of the prosecution witnesses.



12. In order to establish the guilt of the accused, the prosecution has got examined 10 witnesses as PW1 to 10 and produced documents which have been marked at Ex.P1 to P9. PW1 is Sunil Kumari HC was a eye witness. PW2 is Pushpalatha is also as eye witness. PW.3 is Venugopal and PW.4 is Chandrasekhar are Mahazer witnesses. PW.5 is Gopalakrishna Mahazar witnesses. PW.6 is Chandru is also on a Mahazar witness. PW7 is Sukumar is also on Mahazer witness. PW.8 is Harish Nayak is Land Acquisition Officer and complainant in this case. PW.9 is Dharmikouda, Police Inspector, who conducted partly investigation. PW.10 is Jagdish Investigation Officer who filed charge sheet against the accused.

13. PW.1 to PW.3 are eye witnesses to the incident according to prosecution. They have deposed in their respective chief examination that they have no information about this case and they did not give any statement to the police.

14. PW.4 is Mahazer witness, he identified his signature on Mahazer which has been marked. Ex.P4 his signature has been marked Ex. P4(a). Further he deposed that police did not



conduct any Mahazar in his presence and he has no information about this case.

15. PW.5 is also an a Mahazer witness has deposed in his chief examination that he has no information about the case. Thereafter he identified his signature on Mahazer which has been marked at Ex. P6. His signature has been marked Ex. P6(a). Further, it opposed that he has not given any statement to the police. PW6 is also an a Mahazer witness has identified his signature on Mahazar, which has been marked at Ex.P4, his signature has been marked Ex. P4(a). Further he deposed that he doesn't know for what reason he signed to said document. Further he deposed that he signed to said document only at the request of police.

16. PW.7 is also an Mahazer witness, has identified his signature on Ex. P6, his signature has been marked Ex. P6(b). Further he deposed that he has no information about the case and police did not seize any materials in his presence.

17. As PW.1 to PW.7 did not supports to the case of prosecution. Therefore, they have been treated as hostile witnesses at the request of learned APP. Though they have been subjected to cross examined by the learned APP, nothing



has been elicited from their mouth which supports of the case of prosecution. As such the evidence of PW1 to PW7 is not helpful to establish the case of prosecution.

18. PW.8 is a complainant has deposed in a chief examination that on 24.04.2013, he filed complaint before the police of Kuduru Police Station. Further, he deposed that he received complaint that the names of 26 persons Of Gangonahally Village, Thippasandra Hobli, Magadi Taluk were illegally Included in the Voter list from the public. Thereafter, he intimated the same to Revenue Inspector and Village Accountant Rangaswami. At the time, the Village Accountant told him that Narayanamoorthy Chaudanapallya, Who is the owner of Depo, brought Form No.6 and demanded to include them in the voter list. At that time the said Village Accountant, told him that the persons those wants to included are not residing in the village, so they cannot be included. By that time accused No. 1 threatened the CW2 who is a Village Accountant, by saying that, ನಿನ್ನ ಕೈಯನ್ನು ಕಡಿಯುತ್ತೇನೆ. Further he deposed that due to threatening by the said accused No. 1 the Village Accountant failed to include them in a Voter list.

19. Further he deposed that, later he came to know that accused No. 1 has included the said persons through cyber



cafe by obtaining the login and password his taluk officer. Therefore he filed complaint before the police station. Further he deposed that the incident was occurred on 07.04.2013 and 09.04.2013. Thereafter, he identified his signature on complaint which has been marked at Ex.P8, his signature has been marked Ex. P8(a). Thereafter he has been subjected to cross examined by the accused counsel.

20. PW9 is police officer has deposed in his chief examination that on 24.04.2013 at about 07.30 p.m. CW1 visited to his police station and filed a complaint. Same is received by him and registered a case under Crime No. 126/13 and prepared FIR and forwarded to the court through PC-376. Thereafter he identified his signature on complaint/Ex.P8, his signature has been marked Ex. P8(a), then he got marked the FIR as Ex.P9. his signature has been marked Ex. P9(a). Further he deposed that he handed over the case file to CW11 for further investigation. Thereafter he has been subjected to cross examined by the defence counsel.

21. PW10 is a police officer and who filed charge sheet against the accused has deposed in a chief examination that on 12.05.2015 he received case file from CW10 and continued the investigation. Thereafter that on 20.08.2015 he issued



police notice to Ankush S/o Kenchaguda and requested it to give information regarding the login Id in the cyber. Further he deposed that on 25.09.2025 again he had issued notice to Thashildar Rajachuru, Principal Arts College Sindhanuru, Special Thashildar Karategi and Principal of Chitradurga and Thashildar of Chintamani and called for explanation regarding the log in Id. Further he deposed that on 26.12.2025 he filed charge sheet against accused No. 1 to 3. Thereafter he has been subjected to cross examined by the accused counsel.

22. At the instance of the case, the prosecution must be proved its case beyond all reasonable doubt that on 24.04.2013, there was a last date to inclusion of names of the voters in the electoral roll in connection of Magadi Assembly Constancy. And CW-2 was discharging his official duties and was enrolling the names of voters in the electoral roll by verifying the documents and details of the voters, and CW2 has rejected certain applications on the ground that signature was defective and supporting documents are not in order, at the time, the accused No. 1 was bring some of the names of the voters and requested the CW-2 to include them in a electoral roll. When CW-2 has rejected the applications which were not in proper, the accused No. 1 threatened the CW1 with a dire consequences. Thereafter, Accused has entered the



names of 26 persons by using login credentials of Taluk Office of Magadi illegally and having intention to cheat”. Otherwise benefit of doubt would extended to accused.

23. In order to substantiate the case of the prosecution, The prosecution has got examined 10 witnesses as PW1 to 10. Out of it, PW1 to 7 eye witnesses and Mahazar witnesses did not supports to the case of prosecution. Thereafter though they have been subjected to class examined by the learned APP nothing has been elicited from their mouth which supports the case of prosecution. Further on perusal of the charge sheet and exhibited documents and materials available on record here in this case, important witness is CW2. But during the trial, he reported as died. Accordingly, he was dropped. Thereafter, the complainant CW1 got examined himself as PW8 and he has deposed only about filing of complaint before the Kudur Police Station. Further he deposed the about the incident. Further he has been subjected to cross examined by the defence counsel. During the cross examination, he has stated that he is unable to say about the names of 50 members, those who have filed applications to enter their names in the electoral roll. Further he admitted that, if the person wants to enter his name in a voter list officials, are only having an authority to enter their names.



Further also admitted that common people cannot enter their names in the electoral roll by login and correction of through taluk office. Further he admitted that so no one will get login and credential passwords, except the officials of Office of Taluk Panchayath. when such is the case, it is highly impossible to believe the version of prosecution that accused persons entered the names of 26 persons in the voter list by using login and password of Taluk Panchayath of Mangadi.

24. Further it is relevant to note that, the PW9 and PW10 are police officers, have deposed only with regarding the procedure of investigation which have done by them. They have nothing stated about the cheating and Creating of documents or entering the names of 26 persons in the electoral roll by using login and password of the Taluk office. Further it is noted that the PW1 to PW7, those who were eye witness to the incident and Mazhar, but did not supported to the case of prosecution. Further, it is noted I.O not collected the documents of persons, who have has been illegally not entered their names in the electoral poll without having any authorization. Further it is noted that, the CW11, who filed charge sheet has not come forward to give evidence before the court even in spite of this court had issued summons, bailable warrant. The CW11 being a Police officer, he was bound to give



evidence before the court. But he was not forward to give evidence. Further it is relevant to note that, this Court has issued summons to CW11 from 14.02.2025 and the police also made an effort to secure him from 14.02.2025. But The CW11 has not come forward. Accordingly, this Court is opens that even in spite of re chance ofailable warrant or warrant, purpose would not be served. Accordingly this court ordered to drop the CW11. However even in spite of it, he has not come forward to give evidence before the court.

25. On perusal of the oral evidence of PW1 to PW10 and documentary evidence placed on record, no evidence is brought on record by the prosecution to show that, accused have committed offence as alleged by the prosecution. Hence, creates a doubt regarding the case of prosecution. Under such circumstances, this court of the clear view that, prosecution is utterly failed to prove it's case behind all reasonable doubt. Hence, benefit of doubt is extended to the accused persons. Accordingly, this court answered the points No.1 to 7 in the Negative.

26. Point No.8: In view of findings given on points No.1 to 4, the accused are entitle for benefit of doubt and hence this Court proceeds to pass the following:-

**ORDER**

Exercising the powers conferred under section 248(1) of the Code of Criminal Procedure, 1973, accused persons are acquitted of the offences punishable under Sections 419, 420, 353, 468, 171(d) & (f) and 506 of IPC and read with Section 31 of Representation of People Act.

The bail bond and surety bond shall stands canceled.

Property seized in this case is ordered to be destroyed after completion of appeal period.

(Dictated to the Stenographer, transcribed by him, corrected, signed and pronounced by me in the open court on this the **03rd day of August- 2026**)

(Smt. Nagarathnamma)
Civil Judge & J.M.F.C.,
Magadi.

ANNEXURES**List of witnesses examined on behalf of prosecution:**

PW-1	: Sunil Kumar H.C
PW-2	: Pushpalatha
PW-3	: Venugopal
PW-4	: Chandrashekar
PW-5	: Gopalakrishna
PW-6	: Chandru
PW-7	: Shivakumar
PW-8	: Harish Nayaka



PW-9 : Darmegowda
PW-10 : H.C. Jagadeesh

List of documents marked on behalf of prosecution:

Ex.P1 : PW1 Witness Statement
Ex.P2 : Statement of PW2.
Ex.P3 : Statement of PW3.
Ex.P4 : Mahazar
Ex.p4(a)&(4b) : Signatures.
Ex.P5 : Witness statement of PW4.
Ex.P6 : Mahazar
Ex.7 : Witness statement of PW5
Ex.8 : Complainant
Ex.8(a) &(b) : Signature
Ex.9 : FIR,
Ex.9(a) : signature

List of Material objects identified:-

-----Nil-----

List of witnesses examined on behalf of defence:

-----Nil-----

List of documents examined on behalf of defence:

-----Nil-----

(Smt. Nagarathnamma)
Civil Judge and JMFC,
Magadi.