

KATK710025422023



IN THE COURT OF PRL. CIVIL JUDGE AND JMFC.,
PAVAGADA

Present:- Smt.Munirathnamma.C.N, B.A, LL.B.,
Prl. Civil Judge and JMFC.,
Pavagada.

Dated this the 29th day of June, 2026

C.C. No.1632/2023

Complainant : State by Pavagada
Police Station

(By Assistant Public Prosecutor)

//Versus//

Accused : 1. Obalesha
S/o Narasappa
Aged about 50 years
Residing at:
KEB Quarters
Pavagada Town
Tumakuru District
(Pleaded Guilty)

2. Subbarayappa
S/o Late Thimmaiah

Aged about 70 years
Residing at:
Kodamadagu Village
Pavagada Town
Pavagada Taluk
Tumakuru District
(Pleaded Guilty)

3. Ramanji
S/o Late Narasappa
Aged about 53 years
Residing at:
Old Kumbara Beedi
Pavagada Town
Pavagada Taluk
Tumakuru District

(by Sri.P.H.S., Advocate)

Date of commission of offence	:	04-03-2023
Date of recording of evidence	:	23-09-2025
Date of conclusion of evidence	:	22-06-2026
Date of pronouncement of judgment	:	29.06.2026

(Smt. Munirathnamma.C.N)
Prl. Civil Judge and JMFC,
Pavagada

J U D G E M E N T

The P.S.I, Pavagada Police Station has submitted the charge sheet against the accused for the offences punishable Under Section 78(3) of Karnataka Police Act and Under.

2. The synopsis of the case of prosecution is as follows:

It is allegation by the prosecution that on 03.03.2023 at about 11:00 p.m, within the jurisdiction of Pavagada Police Station in Old Bus Stand in a public place the accused No.1 and 2 were invited the public to pay mataka by raising his voice by saying that he will give money for Rs.1/- to Rs.70/- to the public and therefore police conducted raid and recovered a Pen and Chit and Rs.520/- from accused No.1 and 2 and Accused Nos.1 and 2 used to hand over the collection amount and Matka slips to Accused No.3 and thereby committed the offence punishable Under Section 78(3) of Karnataka Police Act.

3. After submission of charge sheet, cognizance was taken for the offence punishable under Section 78(3) of Karnataka Police Act. In pursuance to issue of summons, the accused persons appeared before the court and accused No.3 is enlarged on bail and Accused No.1 and 2 are pleaded guilty. Copies of the charge sheet, statements of witnesses and other connected papers are furnished to accused No.3.

4. After hearing both sides, since no grounds was made for discharge, charge for the said offence i.e., Under Section 78(3) of Karnataka Police Act was framed against the accused No.3 and charge were read over and explained to the accused No.3 for which they pleaded not guilty.

5. The prosecution in support of its case has examined 4 witnesses as PW.1 to 4 and got marked exhibits Ex.P.1 to P.5 documents and a Material object at M.O.1 to 3 and closed its side. Thereafter the statement of accused No.3 under Section 313 of Cr.P.C. was recorded wherein the accused No.3 denied all the incriminatory statements appearing in the evidence of prosecution witnesses. The accused No.3 do not adduce defense evidence, but their case is that of total denial.

6. Heard the arguments of learned APP appearing on behalf of the prosecution and counsel appearing on behalf of accused No.3.

7. The facts and evidence on record take me to formulate the following points for determination.

- 1. Whether the prosecution proves beyond all reasonable doubt that on 03.03.2023 at about 11:00 p.m, within the jurisdiction of Pavagada Police Station in Old Bus Stand in a public place the accused No.1 and 2 invited the public to pay mataka by raising his voice by saying that he will give money for Rs.1/- to Rs.70/- to the public and therefore police conducted raid and recovered a Pen and Chit and Rs.520/- from accused No.1 and 2 and Accused Nos.1 and 2 used to hand over the collection amount and Matka slips to Accused No.3 and thereby committed the**

**offence punishable under Section 78(3) of
Karnataka Police Act?**

2. What order?

8. My findings on the above points are as under:

Point No.1	:	In the Negative
Point No.2	:	As per final orders for following

REASONS

9. **Point No.1:-** It is allegation by the prosecution that on 03.03.2023 at about 11:00 p.m, within the jurisdiction of Pavagada Police Station in Old Bus Stand in a public place the accused No.1 and 2 invited the public to pay mataka by raising his voice by saying that he will give money for Rs.1/- to Rs.70/- to the public and therefore police conducted raid and recovered a Pen and Chit and Rs.520/- from accused No.1 and 2 and Accused Nos.1 and 2 used to hand over the collection amount and Matka slips to Accused No.3.

10. To prove the above facts the prosecution in all examined 4 witnesses. Out of them PW.1 is the Complaint witness and also riding officer, PW.3 and PW.4 are Mahazar witness. PW.2 who filed charge sheet against the accused persons.

11. PW.3 and PW.4 in their examination-in-chief have admitted their signature in Ex.P.2 and they showed innocence

about drawing of mahazar and seizure of material objects from the accused. The learned APP treated them hostile witnesses cross examined but failed to elicit any trustworthy evidence from them. They have denied their statement at Ex.P.4 and Ex.P.5 respectively.

12. PW.1 the then Constable of Pavagada Police Station has deposed that on 03.03.2023 at about 11.00 a.m., he along with CW.5 were at Old Bus Stand in front KEB office and they got information about mataka and thereby they have secured PW.3 and PW.4 as Pancha witnesses and conducted raid and seized Rs.520/-, a Chit and Pen by drawing Ex.P.2 from accused No.1 and 2. On enquired accused No.1 and 2 confessed before them that he collected money and give it to the accused No.3. He identified the M.O.1 to 3. He filed complaint at Ex.P.1. Thereafter, he handed over the accused and material objects to the Station House Officer, Pavagada Police Station.

13. PW.2 the then Head Constable, he deposed that on 04.03.2023 he received permission from the court through the staff on the basis of report lodged by the CW.1 at Ex.P.1 and registered the F.I.R in Cr. No.50/2023 at Ex.P.3. He received the material objects from CW.1 and enquired the accused released on his bond. He recorded the statement of CW.2 and CW.3. He deputed staff to secure accused No.3 but they have reported that he was absconding. Thereafter, the accused No.3 appeared before and he was enquired and released on bond. After

completion of investigation he filed charge sheet against the accused.

14. It is defence of the accused that the accused No.3 never committed any offence as alleged by prosecution the police have filed false case for statistical purpose.

15. On going through oral and documentary evidence of prosecution, it is clear that PW.1 has conducted raid in the presence of PW.3 and PW.4, unfortunately PW.3 and PW.4 turned hostile not supported the case of prosecution. PW.2 is the Investigating Officer has deposed about his investigation except evidence of PW.1 who is the Official witness no independent witness supported the case of prosecution.

16. On careful perusal of the entire evidence on record, it is pertinent to note that the independent mahazar witnesses with respect to the seizure of the material objects, has failed to support the prosecution case. It is pertinent to note that, it is the case of prosecution the accused No.3 was indulging in commission of mataka the prohibited game in the public place with an intention to make profit.

17. It is pertinent to note that, the Raiding Officer also the official who has lodged the information against the accused No.1 to 3. Therefore, the complainant and the officer who has filed the report are one and the same.

18. The prosecution has failed to prove that the accused No.1 was indulging in commission of mataka and inviting the public to invest their hard earned money in the prohibited game. The accused No.1 and 2 have collected the amount and he was used to give to the same to the accused No.3. After going through the entire materials placed on record, and the evidence of the prosecution witnesses, the seizure of the said material objects itself is doubtful and the mahazar witnesses has completely denied the seizure of the material objects from the accused No.1 and 2. The documentary evidence got marked by the prosecution also does not establish the guilt of the accused No.3.

19. It is paramount fact to note that it is well settled in catena of authorities that the principle of proof beyond reasonable doubt is applicable in the matter of testing the guilt of accused. In the instant case on hand, the version of the witnesses is inconsistent and contradictory, and the evidence of witnesses does not help the prosecution to prove its case beyond reasonable doubt. The Hon'ble Supreme Court in 2005 Cr. L. J. 108 has laid down that:

“Doubt would be reasonable if they are free from a zest for abstract speculation. Law cannot afford any favourite other than truth. Doubts must be actual and substantial arising as to the guilt of the accused.”

20. In this case the doubts arising as to guilt of the accused No.3 is substantial and reasonable. Therefore after assessing the evidence of witnesses on its intrinsic worth it has discarded as untrustworthy or not credit worthy. Therefore I proceed to answer point No.1 in the **Negative**.

21. **Point No.2:-** In view of my findings on points No.1, I proceed to the following:

ORDER

Accused No.3 is found not guilty.

Acting under Section 255(1) of Cr.P.C., the accused No.3 is acquitted for the offences punishable under Section 78(3) of Karnataka Police Act.

The bail bond and surety bond of the accused No.3 is holds good for the further period of Six months from this order as per Section.437(A) of Cr.P.C.

M.O.2 is Rs.520/- Cash being worth and the same is ordered to be confiscated to the State after lapse of the appeal period.

M.O.1 and 3 are being worthless and the same
are ordered to be destroyed after lapse
of the appeal period.

Accused No.3 is set at liberty.

(Dictated to Stenographer, corrected by me and then pronounced in
the open court on this 29th day of June, 2026)

(Smt. Munirathnamma.C.N)
Prl. Civil Judge and JMFC,
Pavagada.

ANNEXURE

1) List of witnesses examined on behalf of prosecution :-

PW.1	:	Mahendra.D
PW.2	:	Divakar
PW.3	:	Dharmapal
PW.4	:	Arun Kumar

2) List of documents marked on behalf of prosecution :-

Ex.P.1	:	Complaint
Ex.P.1(a) & (b)	:	Signatures
Ex.P.2	:	Mahazar
Ex.P.2(a) to (d)	:	Signatures
Ex.P.3	:	F.I.R.
Ex.P.4 & P.5	:	Statement of witness

**3) List of witnesses/documents marked on behalf of
Accused :-**

- Nil -

4) **List of material objects on behalf of prosecution:-**

M.O.1 : Ball Point Pen.

M.O.2 : Cash

M.O.3 : Mataka slip

(Smt. Munirathnamma.C.N)
Prl. Civil Judge and JMFC,
Pavagada.