

KATK920000662010



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IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & JMFC, AT

TIPTUR

-: Present:-

**SRI. BHARATH CHANDRA K. S. B.A.LL.B,
PRL. CIVIL JUDGE & JMFC,
TIPTUR.**

Dated, the 8th day of July, 2026

Criminal Case. No.830/2010

Complainant: State by K.B.Cross Police Station.

**(By : Learned Asst. Public
Prosecutor)**

- V/s -

Accused: 1. B.Rakesh S/o Bhakthavathsala,
a/a: 20 years,
R/at: No.3, 3rd cross,
4th block, Goraguntepalya,
Bangalore-22.

(By Sri. SVS Advocate)

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Date of commission of offence: 15.05.2007
Date of report of offence: 15.05.2007
Date of recording evidence: 11.06.2019
Date of closing evidence: 08.04.2026
Offence complained of : U/sec. 411 of IPC
Opinion of the Judge : 08.07.2026 As per the
final order

Sd/-

**(BHARATH CHANDRA K.S.)
PRL. CIVIL JUDGE & JMFC,
TIPTUR.**

J U D G M E N T

The Kibbanhalli police have submitted a split up chargesheet against accused No.5 as per the order passed in C.C. No.954/2009, alleging the commission of offence punishable under section 411 of the Indian Penal Code.



2. The case of the prosecution in nutshell is as under:-

The case of the prosecution is that on the intervening night of 15.05.2007, Accused Nos.1 to 4, in furtherance of their common intention, committed lurking house trespass by night by breaking open the lock of the Hindiskere Grama Panchayat Office and thereafter broke open the lock of the computer room and committed theft of Wipro computer monitors, CPU, keyboard and mouse collectively valued at Rs.26,800/-. It is further alleged that the said stolen properties were subsequently sold to Accused Nos.5 and 6 and that Accused Nos.5 and 6 dishonestly received the said properties knowing or having reason to believe that they were stolen properties. Hence the accused No.5 and 6 have committed the offence punishable under section 411 of IPC.

3. Upon the complaint received from Cw-1, the Kibbanahalli Police have registered the case under Crime No.111/2007 and registered the FIR for the offences punishable U/sec. 457, 380 and 411 R/w Section 34 of IPC. It is stated that, the police took up the investigation and after completion of the investigation; the police have submitted the charge sheet against the accused for the



offences punishable U/sec. 457, 380 and 411 R/w Section 34 of IPC.

4. The charge sheet against Accused Nos.2 to 6 came to be registered in C.C. No.954/2009. Subsequently, on account of the absence of Accused Nos.1 and 5, the learned predecessor-in-office ordered filing of a split-up charge sheet against them. Accordingly, the present case came to be registered against Accused Nos.1 and 5. After registration of the split-up case, Non-Bailable Warrants were issued against both the accused. Accused No.1 could not be secured for trial. Consequently, the case against Accused No.1 was again split up and registered separately in. Thus, the present case is being tried only against Accused No.5, namely Rakesh, who appeared before the Court and contested the case.

5. As there were sufficient materials available in the Final report to proceed against the accused, this Court took cognizance for the offences punishable U/sec. 411 of IPC, against the accused No.5. Accordingly this criminal case was registered and summons was issued to the Accused.



6. In pursuance of the summons issued, the accused appeared before the court through his counsel and was enlarged on bail. Copy of the Police Report and other related documents were furnished to the accused in compliance of Sec.207 of Code of Criminal procedure, 1973.

7. The accusations U/sec. 411 of IPC, were read over and explained to the accused in the language best known to him. The accused pleaded not guilty and claimed to be tried. Thereby the case was set down for prosecution evidence.

8. To establish the guilt of the accused the prosecution got examined PW.1 to 8 witnesses. The prosecution in support of its case got marked Ex.P.1 to 22 documents with sub markings.

9. As there were material incriminating circumstances available against the accused in the evidence lead by the prosecution. The accused was called upon and examined under section 313 of Cr.P.C. The accused denied all the incriminating circumstances available against him. The accused did not choose to lead any evidence on his behalf. Hence case was posted for arguments after compliance of Section 437-A of Cr.P.C, i.e. after taking surety.



10. Heard the arguments of Learned APP as well as the learned counsel appearing on behalf of the accused and perused the materials available on record.

11. Upon going through the facts and circumstances of the prosecution's case, the following points arise for the consideration of this court: -

1) Whether the prosecution proves beyond all reasonable doubt that, that accused No.1 to 4 have sold the stolen properties to Accused Nos.5 and 6 and that Accused Nos.5 and 6 dishonestly received the said properties knowing or having reason to believe that they were stolen properties and thereby, committed the offence punishable under section 411 of Indian Penal Code?

2) What Order?

12. On hearing the arguments and on perusal of the materials placed on record, this court answers the above points as hereunder :-



Point No.1 :- In the Negative

Point No.2 :- As per final order
for the following :-

REASONS

13. Point No.1 :- The present case arises out of the charge sheet filed against Accused Nos.1 to 6 alleging commission of the offences punishable under Sections 457, 380 and 411 read with Section 34 of the Indian Penal Code.

14. It is pertinent to note that Accused No.1 was a juvenile on the date of the alleged incident and, therefore, his case was dealt with separately by the Juvenile Justice Court. The charge sheet against Accused Nos.2 to 6 came to be registered in C.C. No.290/2008.

15. Subsequently, on account of the absence of Accused Nos.1 and 5, the learned predecessor-in-office ordered filing of a split-up charge sheet against them. Accordingly, the present case came to be registered against Accused Nos.1 and 5. After registration of the split-up case, Non-Bailable Warrants were issued against both the accused. Accused No.1 was not secured for trial. Consequently, the case against Accused No.1 was again split up and registered



separately. Thus, the present case is being tried only against Accused No.5, namely Rakesh, who appeared before the Court and contested the case.

16. The case of the prosecution is that on the intervening night of 15.05.2007, Accused Nos.1 to 4, in furtherance of their common intention, committed lurking house trespass by night by breaking open the lock of the Hindiskere Grama Panchayat Office and thereafter broke open the lock of the computer room and committed theft of Wipro computer monitors, CPU, keyboard and mouse collectively valued at Rs.26,800/-. It is further alleged that the said stolen properties were subsequently sold to Accused Nos.5 and 6 and that Accused Nos.5 and 6 dishonestly received the said properties knowing or having reason to believe that they were stolen properties.

17. Therefore, in so far as the present accused, namely Accused No.5, is concerned, the allegation is confined to the offence punishable under Section 411 of the Indian Penal Code. It is also relevant to note that while framing charges, this Court framed charges under Sections 457 and 380 of the Indian Penal Code



against Accused No.3 and framed a separate charge under Section 411 of the Indian Penal Code against Accused No.5.

18. Before appreciating the evidence on record, it is necessary to examine the essential ingredients of the offence punishable under Section 411 of the Indian Penal Code.

19. Section 411 of the Indian Penal Code provides punishment for dishonestly receiving or retaining stolen property, knowing or having reason to believe the same to be stolen property. To establish an offence under Section 411 of the Indian Penal Code, the prosecution is required to prove the following ingredients beyond reasonable doubt:

- (i) that the property in question is a stolen property;
- (ii) that the accused received or retained such property;
- (iii) that such receipt or retention was dishonest; and
- (iv) that at the time of receiving or retaining the property, the accused knew or had reason to believe that the property was stolen.

20. Thus, in the present case, the prosecution is required to establish, by cogent and reliable evidence, that the computer



monitors, CPU, keyboard and mouse allegedly recovered are the very properties stolen from the Hindiskere Grama Panchayat Office; that Accused No.6 had received or retained the said properties; and that at the time of such receipt or retention, he knew or had reason to believe that the properties were stolen. Unless each of these essential ingredients is established beyond reasonable doubt, the offence punishable under Section 411 of the Indian Penal Code cannot be said to have been proved against Accused No.5.

21. Having set out the ingredients of the offence punishable under Section 411 of the Indian Penal Code, it is now necessary to appreciate the evidence adduced by the prosecution.

22. The prosecution has examined eight witnesses as PWs.1 to 8 and got marked Exs.P1 to P21 and Material Object No.1.

23. Before discussing the evidence of the remaining witnesses, it is necessary to first consider the evidence of PW.3, who is CW.1 and the complainant in the present case. PW.3 has deposed that on 10.06.2007, while he, along with CWs.8 to 10, was on night patrol duty on NH-206 at about 2.00 a.m., they noticed a car and a motorcycle stationed near the Islampura Gate Petrol Bunk. Four



persons were found standing near the said vehicles. On noticing the police, they attempted to flee, but they were apprehended. Upon inquiry regarding a white bag kept on the motorcycle, the persons present stated that it contained computer equipment. On inspecting both the motorcycle and the car, the police found computer equipment therein. PW.3 has further deposed that a case had already been registered in Crime No.101/2007 of Gubbi Police Station and, on suspicion that the computer equipment might pertain to the said case, he secured CWs.5 and 6, who have been examined before this Court as PWs.1 and 2, and, in their presence, conducted a seizure mahazar, seizing the computer equipment along with the motorcycle and the car. Thereafter, the accused and the seized properties were brought to the police station, Property Forms were prepared and the properties were produced before the jurisdictional Magistrate.

24. PW.3 has further deposed that the voluntary statements of Accused Nos.1 to 4 were recorded, wherein they allegedly stated that they had committed theft of computer equipment from various Grama Panchayat offices and had sold the same to Accused Nos.5 and 6 and others at Bengaluru. It is further stated that Accused



Nos.1 to 4 volunteered to show the houses of Accused Nos.5 and 6. Accordingly, PW.3 secured CWs.3 and 4, who have been examined as PWs.4 and 5, and proceeded to Bengaluru at about 6.00 a.m. According to PW.3, upon reaching the houses of Accused Nos.5 and 6, Accused Nos.1 to 4 called them outside and informed the police that the stolen computer equipment had been sold to them. PW.3 has further stated that, on inquiry, Accused Nos.5 and 6 admitted that they had purchased three computer systems and had kept them in their house. Thereafter, they allegedly produced the said computer equipment, which, upon verification, was found to belong to Doddaguni, Hindiskere and Mallasandra Grama Panchayats. The said articles were seized under a seizure mahazar in the presence of CWs.3 and 4. Thereafter, Accused Nos.5 and 6 were arrested, the seized articles were subjected to Property Forms and subsequently produced before the Court. PW.3 has further deposed that thereafter Accused Nos.1 to 3 led the police and panch witnesses to the places from where the thefts had been committed, including Hindiskere Grama Panchayat, and spot mahazars were drawn. Thereafter, all the accused were produced before the jurisdictional Magistrate.



25. However, a careful appreciation of the evidence of PW.3 reveals that, even according to him, Accused Nos.5 and 6 merely stated that they had purchased three computer systems and had kept them in their house. Throughout his evidence, PW.3 has nowhere deposed as to the circumstances which would establish that Accused Nos.5 and 6 knew or had reason to believe that the said computer equipment constituted stolen property. There is no material in his deposition to show any previous dealings, antecedents, suspicious circumstances surrounding the transaction or any other circumstance from which such knowledge or reason to believe can reasonably be inferred. A bald assertion that the accused had purchased the computer equipment, by itself, is wholly insufficient to establish one of the essential ingredients of Section 411 of the Indian Penal Code.

26. It is further pertinent to note that PWs.1 and 2, who are the panch witnesses to the seizure mahazar allegedly drawn at the time of apprehending Accused Nos.1 to 4 and seizing the articles from the car and motorcycle, have turned completely hostile and have not supported the case of the prosecution in any manner.



27. Likewise, PWs.4 and 5, who are the panch witnesses to the alleged recovery of the computer equipment from the possession of Accused Nos.5 and 6 at Bengaluru, have also turned completely hostile. They have not supported either the alleged seizure or any other material aspect of the prosecution case. Consequently, the seizure mahazars relied upon by the prosecution remain uncorroborated by independent witnesses.

28. PW.6, who is CW.11, is another witness who had accompanied PW.3 during the alleged recovery proceedings. Though he has broadly deposed in consonance with PW.3 regarding the investigation, his evidence is conspicuously silent on the most material aspect of the prosecution case. He has neither deposed that Accused Nos.5 and 6 had knowledge that the articles were stolen properties nor has he specifically stated that the computer equipment was seized from their possession. Therefore, his evidence does not advance the case of the prosecution insofar as the offence punishable under Section 411 of the Indian Penal Code is concerned.



29. Similarly, PW.7, who is CW.10 and who had also accompanied PW.3, has deposed regarding the apprehension of the accused. However, he has not spoken anything regarding the alleged recovery of the computer equipment from the possession of Accused Nos.5 and 6 or about their knowledge that the articles were stolen property. Hence, his evidence is also of no assistance to the prosecution in establishing the offence under Section 411 of the Indian Penal Code.

30. PW.8, who is CW.14 and the Investigating Officer who ultimately filed the charge sheet, has merely spoken regarding the investigation conducted by him. His evidence also does not disclose any material to establish that Accused No.6 had knowledge or reason to believe that the computer equipment allegedly purchased by him constituted stolen property. Therefore, his evidence also fails to satisfy the essential ingredients of Section 411 of the Indian Penal Code.

31. The prosecution has relied upon Exs.P1 to P21. Exs.P1 and P4 to P5 are the mahazars. However, all the panch witnesses to the said mahazars have turned hostile and have not supported the



prosecution case. Ex.P8 is a letter issued by the concerned Grama Panchayat. Exs.P9 to P14 are the voluntary statements of the other accused persons. It is significant to note that none of these statements is that of the present accused. In any event, the voluntary statements of co-accused are not substantive evidence against the present accused and cannot, by themselves, form the basis for his conviction. Exs.P16 to P21 consist of documents relating to the purchase of the computer equipment by the respective Grama Panchayats. These documents may establish the ownership of the computer equipment by the concerned Grama Panchayats, but they do not establish that Accused No.6 had received or retained the said articles with the knowledge or reason to believe that they were stolen property.

32. Thus, on an overall appreciation of the oral and documentary evidence, this Court finds that the prosecution has failed to establish the most crucial ingredient of the offence punishable under Section 411 of the Indian Penal Code, namely, that the present accused had knowledge or reason to believe that the computer equipment allegedly received by him was stolen property. Except for the interested testimony of PW.3, which itself does not



disclose the circumstances giving rise to such knowledge, there is absolutely no independent or corroborative evidence to prove this essential ingredient. The independent panch witnesses have turned hostile, the accompanying police witnesses have not spoken regarding the requisite knowledge, and no documentary evidence has been produced to establish the same.

33. It is a settled principle of criminal jurisprudence that suspicion, however strong, cannot take the place of legal proof. The prosecution is required to prove every essential ingredient of the alleged offence beyond all reasonable doubt. In the present case, the evidence placed before the Court falls far short of the standard required for recording a conviction under Section 411 of the Indian Penal Code.

34. Accordingly, this Court is of the considered opinion that the prosecution has failed to prove beyond reasonable doubt that Accused No.6 dishonestly received or retained the stolen computer equipment knowing or having reason to believe the same to be stolen property. Hence, Accused No.5 is entitled to the benefit of



doubt and deserves to be acquitted of the charge levelled against him. Hence this Court answers **Point No.1** in the **Negative**.

35. Point No.2: For the reasons stated and findings given to Point No.1, this court proceeds to pass the following :-

::O R D E R::

In exercise of powers conferred U/Sec. 248(1) of code of criminal procedure, 1973, the accused No.5 is acquitted for the offences Punishable Under Sections 411 of IPC.

The Bail bond and surety bond executed in compliance of Sec.437(A) of Cr. P C shall be continued till the appeal period is over or for six months. The Bail bond and surety bond executed earlier stands cancelled.

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The properties seized will be
dealt with in CC No.290/2008.

(Directly dictated to the stenographer on computer, typed by her, and revised and corrected by me and
then pronounced by me in the open Court on this the 8th day of July 2026)

Sd/-

(BHARATH CHANDRA K.S.)
PRL. CIVIL JUDGE & JMFC,
TIPTUR.

ANNEXURE

1. List of witnesses examined for the prosecution:

PW 1 : B.K.Ramesh Gowda
PW 2 : R.Vasanthakumar
PW 3 : Gopala
PW 4 : Lashmana .M
PW 5 : Lokesh
PW 6 : M.N Channabasappa
PW 7 : V.Basavaraj
PW 8 : A.H.Umesha

2. List of witnesses examined for the defense:

- NIL -

3. List of documents exhibited for the prosecution:

Ex.P 1 : Statement of PW.1
Ex.P 2 : Spot mahazar
Ex.P 2 (a) : Signature of PW3



- Ex.P 2 (b) :** Signature of PW4
- Ex.P 2 (c) :** Signature of PW2
- Ex.P 2 (d) :** Signature of PW6
- Ex.P 2 (e) :** Signature of PW7
- Ex.P 3 :** Statement of PW.3
- Ex.P 4 :** Statement of PW.4
- Ex.P 5 :** Spot mahazar
- Ex.P 5 (a) :** Signature of PW2
- Ex.P 5 (b) :** Signature of PW3
- Ex.P 6 :** Spot mahazar
- Ex.P 6(a) :** Signature of PW2
- Ex.P 6(b) :** Signature of PW5
- Ex.P 6(c) :** Signature of PW6
- Ex.P 7 :** Complaint
- Ex.P 8 :** FIR
- Ex.P 9 :** Gram Panchayat records
- Ex.P 10 to 13 :** Statement of Accused
- Ex.P 14 :** Statement of PW5
- Ex.P 15 :** FIR
- Ex.P 15(a) :** Signature of PW8
- Ex.P 16 to 22 :** Computer related documents

4. List of documents exhibited for the defense:

-NIL-

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5. List of material objects marked in this case:

**MO -1 to 4 Computer monitor, CPU, Keyboard, Mouse
printer (Vipro mobile)**

**Sd/-
(BHARATH CHANDRA K.S.)
PRL.CIVIL JUDGE & JMFC,
TIPTUR**

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