

**IN THE COURT OF THE ADDL. CIVIL JUDGE AND
J.M.F.C., AT KUNDAPURA**

Dated this the 1st March -2025.

: PRESENT :

Smt. Shruthi Shree S., B.A., LL.B
Addl. Civil Judge and J.M.F.C,
Kundapura

C.C. No. 1495/2018

Applicant : 1. Krishna, 34 years,
S/o. Subraya,
R/at Neralakatte,
Karkunje Village,
Kundapura Taluk.

(By Advocate Sri. A.B.G.)

-V/s-

Respondent : State By Police Kundapura.
(By APP.)

Orders on application U/s. 239 of Cr.P.C.

It is contended by accused No.1 that it is not he who is referred as accused No.6 in original C.C No. 1747/2012 above named person is Krishna S/o. Subbaraya, aged about 34 years, R/at Neralakatte, Karkunje Village, Kundapura Taluk. However this Court issued NBW against him in this case by registering split up C.C. but present accused is Krishnanda, S/o. Sreenivasa R/at H.No. 7-35/1, M.V. Road, Koteshwara, Kundapura Taluk. Accordingly, seeks to discharge him from the alleged offences.

2. Learned APP has filed objections that this Accused was Accused No.6 in original C.C. No. 1747/2012 where sufficient evidence was

recorded against him and accordingly contents this is not the stage to seek for discharge.

3. Having heard both sides.

4. The following points that arise for my consideration.

1. Whether there are sufficient grounds to allow application filed by applicant U/s. 239 of Cr.P.C. by the accused. ?

2. What order?

5. My findings to the above points are as under :-

Point No.1 : In the **Negative**

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

REASONS

6. **Point No.1:** It is case of the jurisdictional police that the original case number 1747/2012 U/s. 79, 80 of K.P. Act. On 13.05.2012 there was gambling in East-West sports club, which was there after raided and the present case was registered. Upon perusal of record original C.C. was disposed of on 04.12.2019 by way of judgment. In mean time accused No.6 and 7 of this case were split up under this case.

7. After accused No.1 in this case who was accused nod.6 in the original case was secured, charges were framed and he pleaded not guilty but to be tried so also much prior that in the year 2019 had appeared through counsel and got himself release on bail. Ever since then he had no contention that he was not the actual person averred as accused No.1 however, now that the case is posted for trial, he has come up with this application along with necessary documents such as Aadhar card and such other I.D. proof. Looking into the materials on

record, it can either be averred that in the year 2019 while obtaining bail, he represented himself to be a person wrongly but himself not to be accused if this application is to be considered. On the other hand he has also heard substance of accusation yet did not contend that he was not the person averred as accused. And signed plea form while plea was recorded. All these amounts to false representation before this Court. So also while plea is already recorded, to consider this application for discharge finds no material substance. On all these grounds point No.1 is answered in the **Negative**.

8. **Point No.2:** I proceed to pass the following;

ORDER

Application filed by accused U/s. 239 of
Cr.P.C. is hereby rejected.

Addl. Civil Judge & JMFC.,
Kundapura.

C.C.1495/2018

"Order pronounced in the Open Court"

ORDER

Application filed by accused U/s. 239 of
Cr.P.C. is hereby rejected.

Addl. Civil Judge & JMFC.,
Kundapura.

Issue S/s to CW1 and CW2
Call on 07.04.2025

Addl. Civil Judge & JMFC.,
Kundapura.