



**IN THE COURT OF L ADDL. CHIEF
JUDICIAL MAGISTRATE, BENGALURU**

PRESENT

**SRI. S.M. ARUTAGI.,
B.Com., LLB., (Spl),**

DATED THIS 01ST DAY OF AUGUST 2026

C.C. No.21558/2017

Complainant: The State by Kamakshipalya
Police Station, Bengaluru

(By Assistant Public Prosecutor).

V/s

Accused: **A1. Girish**
S/o Varadaraju,
Aged about 25 years,
R/a No.98, Pipeline Road,
Rathnanagara, Doddagollarahatti,
Bengaluru.

A2. Kirankumar @ Kiran
S/o Raju, Aged about 21 years,
R/a Devarajrao Home,
Near Shreegandha,
Near Sollapuradamma Temple,
Sunkadakatte, Bengaluru.
(Split-up)

(By S.Jayanthi, R.P.S., M.R.G., R.L.R., Advocate)

TABULATION OF THE EVENTS

KABC030936602017



01	Date of Commencement of offence	14.04.2017
02	Date of report of offence	17.04.2017
03	Arrest of the accused	15.05.2017
04	Name of the complainant	Rajesh
05	Date of recording evidence	10.12.2025
06	Date of closing of evidence	10.12.2025
07	Offences complained of	380 IPC.
08	Opinion of the Judge	Accused No.1 found not guilty

(S.M.ARUTAGI)
L ADDL.C.J.M.,BENGALURU.

J U D G M E N T

The P.S.I of Kamakshipalya police station has submitted the charge sheet against the accused No.1 and 2 for the offence punishable U/s 380 of IPC.

2. The brief facts of the prosecution case are as follows:-

On 14.04.2017, in day hours, the accused No.1 and 2 have entered the house of CW.1 situated at No. S-4

KABC030936602017



Vrushabhavathinagara, Near Mourya School within the limits of Kamakshipalya police station and took the key which is kept in the shoes rack and stolen the gold ornaments worth of Rs.49,000/- and cash of Rs. 95,000/- and thereby committed an offense punishable U/s 380 of IPC.

3. On the basis of the complaint lodged by CW.1, the SHO of Kamakshipalya police station registered the case in Cr.No.172/2017 and Investigation Officer inspected the spot and drawn the spot and seizer mahazar and recorded the statement of all witnesses and on completion of investigation, he submitted the charge sheet against the accused No.1 and 2.

4. During the course of investigation, the accused No.1and 2 have been arrested and brought before this Court and on the application both have been released on bail. The accused No.2 was continuously absent before this Court and in order to speedy trial and justice to the accused No.1, the accused No.2 is split up from this case and IO is directed to file split up charge sheet

KABC030936602017



against the accused No.2. The charge sheet copy was furnished to the accused No.1 and section 207 of Cr.P.C. was complied and the charges were framed, read over and explained to the accused No.1 and he pleaded not guilty and claimed to be tried.

5. The prosecution in support of its case, has got examined 02 witnesses as PW.1 and PW.2 and got marked 6 documents at Ex.P.1 to Ex.P.6.

6. As no incriminating evidence is found against accused No.1 and therefore, the statement of accused No.1 as required U/s 313 of Cr.P.C. is dispensed with.

7. Heard the arguments of learned APP appearing for the state and counsel for the accused No.1 and perused the materials on record in detail.

8. The following points arise for my due consideration:-

1. *Whether the prosecution proves beyond reasonable doubt that on 14.04.2017, on day time, the accused No.1 along with split up accused No. 2 have entered in to the house of CW.1 and took the house key which is kept in the shoes rack and thereafter, they have stolen the*

KABC030936602017



gold ornaments worth Rs.49,000/- and cash of Rs.95,000/- and thereby committed the offense punishable U/s 380 of Indian Penal Code?

2. *What order or sentence?*

9. My finding to the above points are:

Point No.1 : In the Negative,

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

REASONS

10. **POINT No.1:-** In order to prove these points and the guilt of accused No.1, the prosecution mainly relies upon the evidence of PW.1 and PW.2 and documentary evidence at Ex.P.1 to Ex.P.6.

11. The PW.1 who is **first informant/complainant by name Rajesh S/o Hemagirigowda**. During the course of examination-in-chief, he deposed that, he never seen the accused person appeared before the Court and he was situated nearby Mourya School since 7 years and the accused has not stolen any gold ornaments and cash of Rs.95,000/- by taking the key which is kept in the shoes

KABC030936602017



rack and in this regard he has not given any complaint to the concerned police station and police have not drawn any mahazar in his presence. The above witnesses has totally turned hostile to the prosecution case, and the learned APP on the request, has cross-examined the above witnesses and nothing is elicited from the mouth of above witnesses to prove the contents of Ex.P.1 complaint and Ex.P.2 panchanama. Hence, the evidence of above witnesses is not helpful to the case of the prosecution.

12. **PW.2 by name Prasanna S/o Venkatesha** who is alleged to be seizer panchanama witnesses. During the course of examination-in-chief, he deposed that he did not seen the accused and he identified the signature found at Ex.P.5 and does not know where it was signed and does not know who were present at the time of signing to the Ex.P.5 document and police have not recorded his statement. The above witnesses totally turned hostile to the prosecution case, the learned APP

KABC030936602017



on the request cross examined the above witnesses and did not elicited to prove the contents of Ex.P.5 seizer panchanama from the mouth of above witnesses and even he denied that the police have seized properties from the mother of accused. Hence, the evidence of above witnesses is not helpful to the case of the prosecution.

13. After examination of first informant and seizer mahazar witnesses, this Court has rejected the prayer of learned APP to examine other charge sheet witnesses, as no purpose would be served by examining them and also the valuable time of Court would be saved. In view of the evidence of first informant and evidence of seizer panchanama witnesses i.e., PW.1 and PW.2 who have turned hostile to the prosecution, the prosecution has not able to prove the contents of Ex.P.1, Ex.P.3 and Ex.P.5 documents and also not able to prove the alleged offenses beyond reasonable doubt. Hence, the evidence placed by the prosecution before this Court is not

KABC030936602017



sufficient to base the conviction of the accused. Under such circumstances, I am of the opinion that the prosecution has miserably failed to prove the guilt of the accused beyond reasonable doubt. Hence, the accused No.1 is entitled for the benefit of doubt. Therefore, I **answer Point No.1 in the Negative.**

14. POINT No.2:-In view of the above findings on point No.1, I proceed to pass the following:-

:O R D E R:

By exercising the power conferred U/s 248(1) of Cr.P.C., the accused No.1 is acquitted for the offences punishable U/s 380 of IPC.

The bail bond executed by the accused on 12.10.2023 will be in force for a period of six months as per U/s 437(a) of Cr.P.C., from this day. If any intimation is not received from the Hon'ble Appellant Court within that

KABC030936602017



period automatically bonds executed stands cancelled after completion of that period.

Office is directed to keep this file with split up case registered against accused No.2.

(Dictated to the stenographer-III, typed by her, revised and corrected by me and then pronounced in open Court on this the 01st day of August 2026)

(S.M. ARUTAGI.)
L ADDL.C.J.M., BENGALURU.

:A N N E X U R E:

List of witnesses examined for prosecution:-

PW-1 : Rajesha S/o Hemagirigowda R/o
Bengaluru.

PW-2 : Prasanna S/o Venkatesha R/o Bengaluru,

List of witnesses examined for defense:-

- NIL-

List of documents marked for prosecution:-

Ex.P-1 : Complaint

Ex.P-1(a) : Signature

Ex.P-2 : Additional Complaint

KABC030936602017



Ex.P-3 : Spot Panchanama
Ex.P-3(a) : Signature
Ex.P-4 : Re-statement of CW.1
Ex.P-5 : Seizer Panchanama
Ex.P-5(a) : Signature
Ex.P-6 : Statement of CW.6

List of documents marked for defense:-

-- Nil --

List of material objects:-

-- Nil --

L ADDL.C.J.M., BENGALURU.