

**IN THE COURT OF III ADDITIONAL CHIEF JUDICIAL
MAGISTRATE, AT BENGALURU**

PRESENT
SRI.SIDDARAMA .S. M.A., LL.M.
III ACJM, BENGALURU.

PCR No.10832/2022
Cr.No.0292/2023

THIS IS THE 28th DAY OF NOVEMBER, 2025

Complainant : State by Halasurgate Police
Station, Bengaluru.

V/s

Accused Persons: Ms.Rajani and others

ORDER ON B REPORT

The complainant has filed this private complaint under section 200 of Cr.PC against accused for the offence punishable under section 406 and 420 of IPC.

2. This court referred the matter for investigation to the Halasurgate PS. On the basis of the information the SHO of Halasurgate Police Station has registered the FIR in Crime No.0292/2023. The IO after investigation submitted 'B' report that the complainant has not produced the documents even after issued notice to four times to the complainant and not cooperated for investigation.

3. The complainant has filed protest petition to 'B' report. In the protest petition it is contended that the "B"

report submitted by the Police is not sustainable in law or on facts. The investigation officer has neither summoned the complainant or the accused and the investigation has not taken into account that the money was duly paid through banking transaction by the complainant company and the complainant company has incurred the loss. The IO has not obtained any statement. The cognizable offence is made out against the accused person. To manufacture spurious gold needs infrastructure and expertise and none is considered by the investigating officer and prayed to reject the B report.

4. Heard the arguments and perused the materials on record.

5. After hearing the parties and on perusal of records, the following points arose for my consideration.

1. Whether the PSI of Halasurgate PS filed the B report is deserves to be allowed ?
2. What order?

6. My findings to the above points are as follows:

POINT No.1: In the Negative.

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

REASONS

7. Point No.1-The case of the prosecution is that the accused have pledged gold ornaments with the complainant that they are the absolute owners of said ornaments. However, on 28.12.2021 Mr.Mahesh the PSI of Jayanagar Police Station came to the office of the complainant along with arrested person by name Mr.Sunil Kumar Boul and told that the ornaments which were pledged by the accused persons with the complainant have been stolen by the accused Mr.Sunil Kumar Boul. Therefore, the accused persons have violated the terms and conditions of the rules and committed breach of trust and cheated the complainant and thereby the accused persons have committed the above alleged offences.

8. This court referred the matter for investigation to the Halasurgate PS. The IO after investigation submitted 'B' report that the complainant has not appeared before him for investigation.

9. On reading of the complaint averments it discloses the commission of alleged criminal offences, the 'B' report is filed only on the ground that there is no satisfactory evidence materials available to file charge sheet and also the complainant has failed to produce the documents and secure the witnesses. However, the said evidence can be produced in

the court of trial and it is for the complainant to adduce evidence and produce materials in support of allegations made in the complaint. On perusal of materials on record the IO has not investigated the accused person and not seized any materials and not obtained any statement from them and stated that the complainant has not cooperated for investigation and not furnished the supported documents. Considering the facts and circumstances of the case this Court is of the opinion that it is not necessary to refer the case to the Police for investigation. If any required to collect evidence by Police, the complainant can collect as per section 202 of Cr.PC. It is necessary to give an opportunity to the complainant to prove the case. There is no sufficient materials to take cognizance at this stage if complainant able to produce documents to attract above offences and proceed the case then it can be proceeded. Therefore, 'B' report is liable to be rejected. Hence, this court answered **Point No.1 in the Negative.**

10. Point No.2: For the foregoing reasons I proceed to pass the following:

ORDER

**The 'B' report filed by the
investigating officer of Halasurgate
Police Station is hereby rejected.**

**The complainant is permitted to
prove his case of examining himself
and other witnesses.**

For sworn statement.

(Dictated to the stenographer directly on computer, typed by him, corrected and then signed and pronounced by me in the open court on this the 28th day of November, 2025).

III ACJM, Bengaluru.