

KABC030523612016



IN THE COURT OF VII ADDL.CHIEF JUDICIAL
MAGISTRATE, BENGALURU

Dated this the 4th day of October, 2025

Present : Sri. Puttaraju, B.A.LLB.,
VII Addl. C.J.M., Bengaluru.

JUDGMENT U/s 355 OF Cr.P.C.

C.C. No.19285/2016

Complainant: : State by : Vidyaranyapura Police
Station.

(By Sr. Asst. Public Prosecutor)

V/s

Accused: 1. Thabrez,
S/o Mohammed Yunus,
Aged about 26 years,
R/at No.37,1st Stage,
Adithyanagara,
Vidyaranyapura,
Bengaluru.

1. Jameer. S,
 S/o Syed Ibrahim,,
 Aged about 28 years,
 R/at No.158,1st Stage,
 Adithyanagara,
 Vidyaranyapura,
 Bengaluru.

Date of occurrence of offence	24.12.2015
Date of report of offence	24.12.2015
Name of the Complainant	Rajesh S
Date of Commencement of recording Evidence	22.01.2020
Date of Closing of Evidence	08.09.2025
Offences complained of	U/s 332, 353, 504 r/w 34 of I.P.C and section 2(A) of The Prevention of Destruction and Loss of Property Act, 1981.
Opinion of the Judge	Accused have not been found guilty.

The Police Sub-Inspector of Vidyaranyapura Police Station has submitted the charge sheet against the accused for the offences punishable U/s 332, 353, 504 r/w 34 of I.P.C and section 2(A) of the

Prevention of Destruction and Loss of Property Act, 1981.

2. The case of the prosecution is that, on 24.12.2015 at about at 5.15 pm, accused came on their bike No.KA-04/Y-4840 speedily and parked across the road by overtaking BMTC Bus bearing Reg No.KA-57/F-738 near Jalli Machine circle of Vidyaranyapur within the jurisdiction of Vidyaranyapura Police Station and abused CW.1 filthy in language saying that why did drive the bus without providing side and damaged the right side window's glass of the bus, caused loss to the tune of Rs.2000/- and thereby committed the offences punishable under section - 332, 353, 504 r/w 34 of I.P.C and section 2(A) of The Prevention of Destruction and Loss of Property Act, 1981.

3. The accused -1 & 2 are on bail. As required u/sec. 207 of Cr.P.C., the copies of the charge sheet papers were furnished to the accused. Charge was framed for the offences punishable U/s 332, 353, 504 r/w 34 of I.P.C and section 2(A) of The Prevention of Destruction and Loss of Property Act and read over and explained to the accused in the language known to them. Accused have not pleaded guilty and claimed for trial.

4. In order to prove the case of the prosecution, the prosecution has examined PWs.1 to 3 and got marked Ex.P.1 to 5. On closure of the evidence on the side of the prosecution, the statement of the accused U/s.313 Cr.PC was recorded and read over, the accused have denied incriminating evidence and submits that no defence evidence to lead.

5. Heard the arguments. Perused the documents placed on record.

6. The points that arise for consideration are :

1. Whether the prosecution has proved beyond all reasonable doubt that accused have committed the offences U/s 332, 353, 504 r/w 34 of I.P.C and section 2(A) of the Prevention of Destruction and Loss of Property Act,1981. ?

2. What order ?

7. The above points are answered as under :

Point No.1: In the NEGATIVE

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

REASONS

8. **Point No.1** : That on 24.12.2015 at about at 5.15 pm, accused came on their bike No.KA-04/Y-4840 speedily and parked across the road by overtaking BMTC Bus bearing Reg No.KA-57/F-738

near Jalli Machine circle of Vidyaranyapur and abused CW.1 filthy in language saying that why did drive the bus without providing side and damaged the right side window's glass of the bus, caused loss to the tune of Rs.2000/- and thereby committed the offences punishable under section - 332, 353, 504 r/w 34 of I.P.C and section 2(A) of the Prevention of Destruction and Loss of Property Act, 1981.

9. The prosecution in order to prove the guilt of the accused has examined complainant as PW.1. In his evidence, PW.1 has given evidence regarding accused over take his bus by bike and parked bike across the road, after that assault committed and abused in filthy language. Therefore, he identified the complaint Ex.P.1, mahazar Ex.P.2, photos of damaged bus Ex.P.3 to 5 and broken glass pieces MO-1. After the chief examination, PW.1 did not turn up for cross examination and hence evidence given by PW.1 is discarded as he did not avail for his cross examination.

10. PW.2 and 3 are an eye witnesses who were present with PW.1 at the time of alleged incident, in their evidence, they have stated same evidence as deposed by PW.1 regarding assault committed by the accused and caused obstruction to discharge their official duty. In the cross examination, they denied the suggestions of learned counsel for accused that they are seeing the accused before court today itself as they never seen the accused and deposing false evidence though the accused have not committed any offence as alleged.

11. Upon careful perusal of evidence palced by the prosecution, no doubt, PW.1 is the complainant, in his evidence, he stated about how he was assaulted by accused and obstructed to discharge his official duty, but he did not avail for cross examination and hence, the evidence given by PW.1 is discarded. Another witnesses are PW.2 and 3 they are eye witnesses, they have given evidence ragarding assault committed by

the accused and caused obstruction to discharge their duty. It is also important to mention here that the other witnesses of the prosecution did not turn up despite issued warrants and proclamation on several time and hence they are dropped. So, except evidence of PW.1 and 2 nothing is on record, in the absance of evidence of very complainant PW.1 and other witnesses, evidence of PW.2 and 3 would doubtful and does not inspire confidence.

12. Therefore, taking into consideration the over all the evidence of the prosecution and facts and circumstances of the case, the considered opinion is of the court that the prosecution has failed to prove guilt of accused beyond reasonable doubt. The accused are entitled to benefit of doubt. Hence, answered the point No.1 in the NEGATIVE.

13. **Point No.2:** In view of discussion made on point No.1 this court proceeds to pass following:

ORDER

Acting under section 248(1) of Cr.P.C., the accused-1 & 2 are acquitted of the offences punishable under sections - 332, 353, 504 r/w 34 of I.P.C and section 2(A) of the Prevention of Destruction and Loss of Property Act, 1981.

The bail bonds of accused and their surety bonds stand canceled after six months from the date of Judgment.

MO-1 is being worthless, ordered to be destroyed after appeal period is over.

(Dictated to the Stenographer, directly on computer system and typed by her revised corrected and then pronounced by me in the open Court on 4th day of October, 2025)

(PUTTARAJU)
VII Addl. C.J.M., Bengaluru.

ANNEXURES**1. List of witnesses examined on behalf of prosecution :**

PW.1	Rajesh S
PW.2	Raveendra S K
PW.3	D.K.Umesh

2. List of documents marked on behalf of the prosecution :

Ex.P.1	Complaint
Ex.P.2	Spot mahazar
Ex.P.3 to 5	Photos

List of witnesses examined for the Accused	Nil
List of documents exhibited for the Accused	Nil
List of material objects marked for the Prosecution : MO-1:Broken glass pieces	

VII Addl. C.J.M., Bengaluru.

**Judgment pronounced in the open court.
(vide separate order):**

ORDER

Acting under section 248(1) of Cr.P.C., the accused-1 & 2 are acquitted of the offences punishable under sections - 332, 353, 504 r/w 34 of I.P.C and section 2(A) of the Prevention of Destruction and Loss of Property Act, 1981.

The bail bonds of accused and their surety bonds stand canceled after six months from the date of Judgment.

MO-1 is being worthless, ordered to be destroyed after appeal period is over.

7th ACJM, Bengaluru.