

The State Of Karnataka vs No.1 Mohammad Junayad on 28 January, 2020

Spl.C.C.483/2018

1

IN THE COURT OF THE L ADDITIONAL CITY CIVIL
& SESSIONS JUDGE, BENGALURU

Dated this the 28 th Day of January, 2020

- : PRESENT: -

SMT. SUSHEELA B.A. LL.B.
L Additional City Civil & Sessions Judge,
BENGALURU

SPECIAL C.C. No. 483/2018

COMPLAINANT The State of Karnataka,
By Cotton Pete Police Station,
Bengaluru
Public Prosecutor-Bangalore

/ VERSUS /

ACCUSED No.1 Mohammad Junayad,
S/o. Mohammad Nazeer, 28 years,
R/at. Lakan Sen Badarva,
Paddana Thola Village,
Badarva Post, Dhaka Police station,
Mothihari District,
Bihar State

Presently residing at:
No.17/1, 1st Cross,
Cheluvadi Palya,
Mysore Road, Cotton Pete
Bangalore

ACCUSED No.2 Mohammad Firdoz,
S/o. Lefakath Ansari, 30 years,

Spl.C.C.483/2018

2

R/at. Chand Mohan Bada Village,
Kundava Jainpur Post & Station,
Mothihari District,
Bihar State

Presently residing at:
No.1126, 1st Cross,

Cheluvadi Palya,
Mysore Road, Cotton Pete
Bangalore

ACCUSED No.3 Mohammad Shameem,
S/o. Sheikh Islam, 40 years,
R/at. Jainpura Dhaka,
Puruvin Chend Paran Dhaka & station,
Mothihari District,
Bihar State

Presently residing at:
No.20, 6th Cross,
Dr.T.C.M. Rayan Road
Cheluvadi Palya,
Mysore Road, Cotton Pete
Bangalore

ACCUSED No.4 M.D. Naushad Split up
Sri.M.G for A-1 to A3-Advocate

1	Date of commission of offence	10-06-2016
2	Date of report of occurrence	10-06-2016
3	Date of arrest of Accused No.1& 2	11-06-2016
	Date of release of Accused No.1& 2	23-07-2016
	Period undergone in custody by Accused No.1 & 2	12 days & 1month

Spl.C.C.483/2018

3

	Date of arrest of Accused No.3	
	Date of release of Accused No.3	ON BAIL
	Period undergone in custody by Accused No.3	
4	Date of commencement of evidence	26-04-2019
5	Date of closing of evidence	21-11-2019
6	Name of the complainant	Narayani
7	Offences complained of	Sec. 370(5),374- r/w. 34 IPC, Sec. 75 & 79- J.J. Act
8	Opinion of the Judge	Accused No.1 to 3 are acquitted
9	Order of Sentence	As per the final order

J UD GM EN T

This charge sheet filed by Police Sub-Inspector, Cotton
Pete Police Station-Bangalore, against accused No.1 to 4 for the
offences punishable under Section 370(5), 374 read with section

34 of IPC and Section 75 and 79 of J.J. Act.

2. The case of the prosecution in brief, as per the prosecution papers, is stated as follows:

The accused No.1 at building No.17/1, 1 st Cross, Cheluvadi Palya, within the jurisdiction of Cotton Pete Police Spl.C.C.483/2018

4

Station-Bangalore, is running bag manufacturing factory by engaging minor boys-Cw.4 and Cw.5 who were brought by way of human trafficking from outside the State, they were kept in the factory itself without allowing them to go outside and without sending them to the school and extracting work for more hours in a day without paying salary and without providing basic necessities to them. Likewise the accused No.2 at building No. 1126, New No.16/4, 1 st Cross, Cheluvadi Palya, engaged child labours Cw.6 and Cw.7, the accused No.3 at building No.22, 1st Floor, 1st Cross, Cheluvadi Palya, engaged Cw.8 to Cw.10 as child labours and the accused No.4 at building No.22, 1st floor, 1st Cross, Cheluvadi Palya engaged child labour-Cw.11. On 10-06-2016 at about 10.30a.m., Cw.1 received information and taken Cw.2 and Cw.3 as Panch witnesses and Cw.27 to Cw.31 as members of raiding team went to the spot, raided all the four bag manufacturing units and taken custody of the accused No.1 and 2 and rescued Cw.4 to Cw.11, produced them before the Cotton Pete Police, lodged complaint by handing over Spot Panchanama and the accused Spl.C.C.483/2018

5

No.1 and 2 along with Cw.4 to Cw.11. On the basis of complaint lodged by Cw.1-Narayani, who is Investigating Officer in this case also, the police registered case against the accused No.1 to 4 for the offences punishable under Section 370, 370(A) read with section 34 of IPC, Section 23 and 26 of J.J. Act and Section 14 of Child Labour (Prohibition & Regulation) Act.

3. The Investigating Officer has investigated the same and filed charge sheet against accused No.1 to 4 for the offences punishable under Section 370(5), 374 read with section 34 of IPC and Section 75 and 79 of J.J. Act. Thereafter, after filing the charge sheet, as usual the accused No.1 to 4 appeared before the committal Court, the committal Court furnished copy of charge sheet to accused No.1 to 4 as contemplated under Section 207 of Cr.P.C. The Committal Court passed an order for committing the case to the Hon'ble Principal City Civil & Session Judge-Bangalore, since the victims are minors and the said case is exclusively triable by the Child Court and in turn the said case was made over to this Court for further

Spl.C.C.483/2018

6

proceedings.

4. After receiving the record by this Court, the summons was issued to accused No.1 to 3. In pursuance of the said summons, the accused No.1 to 3 appeared before the Court and they were enlarged on bail, the accused No.4 remained absent, he has not appeared before Court inspite of issuance of

summons and NBW, as such on 31-01-2019 this Court split up case against accused No.4 and proceeded against accused 1 to 3. Thereafter the learned advocate for accused No.1 to 3 submitted that there is no argument before framing charge and requested to frame charge. As a result the charges were framed against accused No.1 to 3. The contents of charge read over and explained to the accused No.1 to 3 in Hindi by translating Kannada version to them. They pleaded not guilty and submit crime to be tried. Thereafter the case against accused No.1 to 3 was set down for prosecution evidence.

5. The prosecution in order to establish the guilt of the accused No.1 to 3 has examined 10 witnesses as Pw.1 to Pw.10,

7

got marked 26 documents as Ex.P1 to Ex.P26 and closed its side evidence. In view of incriminating evidence appeared against the accused No.1 to 3, they are examined under Section 313 of Cr.P.C., by recording their statement. The accused No.1 to 3 denied the alleged incriminating evidence appeared against them as false. Earlier to that the accused No.1 to 3 complied the provision of Section 437-A of Cr.P.C. by executing personal bonds and surety bonds. Thereafter arguments heard from both the sides and the matter is set down for judgment.

6. Having regard to the facts, circumstances and arguments submitted by both the sides, the following points that arise for my consideration are as under:-

1. 10.06.2016 gAAzAA ,AQë-1gAAgAA ,AQë-2 AAÄvAAÛ 3 AUAA ,AQë-27

8

2. æÉÄÃ-É øÉÄ½ZÀ çFÁAPÀ, ÆÜ¼À øÁUÆ ÄAzÀ`ÀsðzÀ°è, DgÉÆÄ|-1 jAzÀ 3gÀæAgÀÄUÀ¼ÄÄ ,À±ÀiÁ£Ä GzÉYÄ±ÀçAzÀ ``ÉÅgÉ gÁdâçAzÀ J¼ÄÄ æÄÄPÄI¼Ä£ÄÄB «zsÁâ``sÁâ,À PÉÆr,ÄÄvÉÜÄø
øÉÄ½ PÄGÉvÄAZÄÄ CPÄæ±ÄÄ \$AzÀs£ÄZÀ°èlÄÖPÉÆAqÄÄ, C³ÄgÀ EZÉáUE «gÄÄZÄb±ÄV C³ÄjAzÀ
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gÄRaiÄÄ°è ²PÄëºÄð±ÁZÄ Ç¥ÁgÄZÄs±Ä£ÄÄB J,ÄVzÄÝgÄÉAzÄÄ ¥Æ¹PÄÆåµÄfi¥ÁPÄëzÄ±ÄgÄÄ
,ÄA±ÄAiÄiAwÄvÄÄ±ÄV gÄAdÄ±ÄvÄÄ¥Är,ÄÄvÄÚgÉAiÉÄ?
3. æÉÄÃ-É øÉÄ½ZÄ çFÁAPÄ, ÆÜ¼Ä øÁUÆ ÄAzÀ`ÀsðzÀ°è, DgÉÆÄ|-1 jAzÄ 3gÀæAgÀÄUÀ¼ÄÄ ,À±ÀiÁ£Ä GzÉYÄ±ÀçAzÄ ``ÉÅgÉ gÁdâçAzÄ J¼ÄÄ æÄÄPÄI¼Ä£ÄÄB «zsÁâ``sÁâ,À PÉÆr,ÄÄvÉÜÄø
øÉÄ½ PÄGÉvÄAZÄÄ CPÄæ±ÄÄ \$AzÀs£ÄZÄ°èlÄÖPÉÆAqÄÄ, C³ÄgÀ EZÉáUE «gÄÄZÄb±ÄV C³ÄjAzÄ
\$®±ÄAvÄ±ÄV PÉ®,À ‡·µç ··C³ÄiÁ£Ä«ÄAiÄÄ±ÄV zÄÄr¹PÉÆAqÄÄ æAiÁ£Ä¹PÄ øÁUÄÄ
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²PÄëºÄð±ÁZÄ Ç¥ÁgÄZÄs±Ä£ÄÄB J,ÄVzÄÝgÄÉAzÄÄ ¥Æ¹PÄÆåµÄfi ¥ÁPÄëzÄ±ÄgÄÄ ,ÄA±ÄAiÄiAwÄvÄÄ±ÄV
gÄAdÄ±ÄvÄÄ¥Är,ÄÄvÄÚgÉAiÉÄ?
4. æÉÄÃ-É øÉÄ½ZÄ çFÁAPÄ, ÆÜ¼Ä øÁUÆ ÄAzÀ`ÀsðzÀ°è, DgÉÆÄ|-1 jAzÄ 3gÀæAgÀÄUÀ¼ÄÄ ,À±ÀiÁ£Ä GzÉYÄ±ÀçAzÄ ``ÉÅgÉ gÁdâçAzÄ J¼ÄÄ æÄÄPÄI¼Ä£ÄÄB «zsÁâ``sÁâ,À PÉÆr,ÄÄvÉÜÄø
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gÄAdÄ±ÄvÄÄ¥Är,ÄÄvÄÚgÉAiÉÄ?
5. AiÄiÁ±Ä DzÉÄ±Ä?

7. My findings on the above points are as under:-

Point No.1: In the Negative.

Point No.2: In the Negative.

Point No.3: In the Negative.

Point No.4: In the Negative.

Point No.5: As per the final orders for the following:
Spl.C.C.483/2018

9

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8. Point No.1 to 4:- As these points are inter-related, hence I have taken up together for my consideration in order to avoid repetition of reasons.

9. Perused the entire record, charge sheet, both oral and documentary, arguments canvassed by the learned advocate for accused No.1 to 3 and the learned Public Prosecutor.

10. In order to prove the alleged offences against the accused No.1 to 3, the prosecution has examined in all 10 witnesses as Pw.1 to Pw.10 and got marked 26 documents as Ex.P1 to Ex.P26. As per the prosecution case, Pw.1 is the complainant, raiding team head and also the Investigating Officer, Pw. 2 to Pw.10 are Panch witnesses and circumstantial witnesses and doctor. Hence, this Court shall proceed to see whether the available evidence of said witnesses are sufficient for establishing alleged offences against accused No.1 to 3.

Spl.C.C.483/2018

10

11. In order to establish the alleged offences against accused No.1 to 3 the prosecution is required to prove that the accused No.1 at building No.17/1, 1 st Cross, Cheluvadi Palya, within the jurisdiction of Cotton Pete Police Station-Bangalore, is running bag manufacturing factory by engaging minor boys-

Cw.4 and Cw.5 who were brought by way of human trafficking from outside the State, they were kept in the factory itself without allowing them to go outside and without sending them to the school and extracting work for more hours in a day without paying salary and without providing basic necessities to them. Likewise the accused No.2 at building No. 1126, New No.16/4, 1st Cross, Cheluvadi Palya, engaged child labours Cw.6 and Cw.7, the accused No.3 at building No.22, 1 st Floor, 1st Cross, Cheluvadi Palya, engaged Cw.8 to Cw.10 as child labours and the accused No.4 at building No.22, 1 st floor, 1st Cross, Cheluvadi Palya engaged child labour-Cw.11and thereby the accused No.1, 3 committed offences punishable under Section 370(5), 374 read with section 34 of IPC, Section 75 and 79 of J.J. Act. Hence this Court shall proceed to see whether

Spl.C.C.483/2018

11

the prosecution has succeeded in establishing all the above said ingredients of the alleged offences against the accused No.1 to 4 beyond all reasonable doubt.

12. Before venturing into scan the available material evidence on record, it is necessary to mention the very definition of offences under Section 370(5), 374 read with section 34 of IPC and Section 75 and 79 of J.J. Act.

Section 370(5) of I.P.C defines that:

Trafficking of person-Where the offence involves the trafficking of more than one minor, it shall be punishable with rigorous imprisonment for a term which shall not be less than fourteen years, but which may extend to imprisonment for life, and shall also be liable to fine.

Section 374 of I.P.C defines that:

Unlawful compulsory Labour- Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Section 34 of IPC defines that:

Acts done by several persons in furtherance of common intention:- When a criminal act is done by several persons in furtherance of the common intention

Spl.C.C.483/2018

12

of all, each of such persons is liable for that act in the same manner as it were done by him alone.

Section 75 of J.J. Act, defines that:

Punishment for cruelty to child:-Whoever, having the actual charge of or control over, assaults, abandons, exposes or willfully neglects the child or causes or procures the child to be assaulted, abandoned, abused, exposed or neglected in a manner likely to cause such child unnecessary mental or physical suffering shall be punishable with imprisonment for a term which may extend to three years, or with fine of one lakh rupees or with both

Section 79 of J.J. Act, defines that:

Exploitation of child employee-whoever ostensibly engages a child and keeps him in bondage for the purpose of employment or withholds his earnings or uses such earning for his own purpose shall be punishable with rigorous imprisonment for a term which may extend to five years also be liable to fine of one lakh rupees.

By going through the facts, circumstances and available materials both at oral and documentary, it is just and proper to consider whether the available material evidence attracts the very ingredients of above said offences in order to fix the liability against accused No.1 to 3.

13. By going through the evidence of Pw.1-Narayani-P.S.I-the complainant and Investigating Officer, he has deposed
Spl.C.C.483/2018

13

that on 10-06-2016 at about 10.30a.m., he has received information about in a bag manufacturing factory run in the building, situated at 1st cross, Cheluvadi Palya and Pension Mohalla, the manufacturer engaged minor boys in the work and exploiting them. As per the said information on the very same day he has called upon Cw.2 and Cw.3 to the station at about 10.45a.m., issued notice to them as per Ex.P1 with a request to act as Panchas and also called Cw.22 to Cw.31-the Labour Officers and other police personnel, taken all of them in Hoysala vehicle to raid the said places and reached the spot at about 11.45a.m., and conducted raid at about 12hours in the noon and rescued Cw.4 and Cw.5 at the bag manufacturing unit of accused No.1, Cw.6 and Cw.7 at the bag manufacturing unit of accused No.2, Cw.8 and Cw.9 at the bag manufacturing unit of accused No.3 Cw.10 and Cw.11 at the bag manufacturing unit of accused No.4 and enquired them. They told that they were brought from Bihar State by paying some amount to their parents and assuring them that they are going to provide education to them, but the accused No.1 to 4 instead of
Spl.C.C.483/2018

14

providing education to them, detained them in the factory, extracting work from 09.00a.m., to 11.00p.m., and also threaten them if they made attempt to run from that place and

also not provided basic necessities.

14. Pw.1 further deposed that he has recorded statement of said children, taken custody of accused No.1 and 2 who were present there, conducted Mahazar as per Ex.P3 and also prepared complaint as per Ex.P2, brought to the station, registered the case in Crime No.186/2016 and conducted further investigation. On the same day he has recorded the statement of victim boys as per Ex.P4 to Ex.P11, sent them to BOSCO for safe custody by giving requisition as per Ex.P12 and also recorded statement of Cw.27 to Cw.31. On 11-06-2016 he has produced accused No.1 and 2 before Court along with remand application. Thereafter he has produced Cw.4 to Cw.11 before CWC on 13-06-2016 and he has produced Cw.4 to Cw.11 for medical check up in respect of their age and received age estimation certificate as per Ex.P14 to Ex.P21. He has also

15

recorded the statement of Cw.12 to Cw.22 on 23-06-2016, collected rental agreement as per Ex.P22 to Ex.P24, after closing investigation he has filed charge sheet.

15. Here this witness is not only the complainant but also Investigation Officer, which is contrary to Law. accused persons tested his veracity and elicited that:

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Spl.C.C.483/2018

16. Further the accused persons tested the veracity of evidence of this witness by eliciting some commission and omission and also denied each and every word of his chief examination by denial suggestion, for that he has denied the same. He has also admitted Cw.4 to Cw.11 are the above the age of 14 years. Admittedly the Investigating Officer has not investigated as to whether the above said bag manufacturing unit comes under hazardous Industry or small industry. More over in order to prove that the accused No.1 to 3 are running said bag manufacturing unit, this witness not seized any documents to prove the same. Here the investigation latches on the part of Investigating Officer in order to consider the guilt of accused No.1 to 3. Viewing from available material evidence placed on record through this witness, the prosecution fails to establish alleged offences against accused No.1 to 3 beyond all reasonable doubt.

Indian Kanoon - <http://indiankanoon.org/doc/130332297/>

has deposed that he doesn't know the owner of the building of
the accused No.1 to 3, he has not seen the accused No.1 to 3

Spl.C.C.483/2018

17

earlier, he doesn't know what case filed against them by the
police. He has not given any statement before police against
accused No.1 to 3. The prosecution treated this witness as
hostile to the case of prosecution and suggested each and every
word of the raid conducted and rescue of Cw.4 to Cw.11, for
that he has denied the same. His definite answer is that he
doesn't know anything about the alleged raid. Through the
evidence of this witness the prosecution failed to prove the
alleged offences against accused No.1 to 3 beyond all reasonable
doubt.

18. By going through the evidence of Pw.3-Ramamurthy,
he has deposed that he doesn't know the accused No.1 to 3, he
has not seen them earlier, he doesn't know what case filed by
the police against them. When he was working at
Sheshadripuram, the police obtained his LTM on Ex.P3, he
doesn't know what had written in Ex.P3, before obtaining his
LTM, the police have not read out the same. Here Ex.P3 is the
raiding Panchanama. The prosecution treated this witness as

Spl.C.C.483/2018

18

hostile to the case of prosecution and suggested each and every
word of alleged raid conducted on the alleged bag
manufacturing unit of accused No.1 to 3 and rescue of Cw.4 to
Cw.11, for that he has denied the same. His definite answer is

he doesn't know anything about the alleged raid conducted as per Ex.P3. Through the evidence of this witness the prosecution fails to prove the alleged process of conducting mahazar as per Ex.P3 beyond all reasonable doubt.

19. By going through the evidence of Pw.4-Mani, he has deposed that he doesn't know the accused No.1 to 3, he has not seen them earlier, he doesn't know what case filed by the police against them. When he was working at Sheshadripuram, the police obtained his signatures on Ex.P1 and Ex.P3, as per Ex.P1(b) and Ex.P3(b). He doesn't know what had written in Ex.P1 and Ex.P3, before obtaining his signature, the police have not read out the same. Here Ex.P1 is the notice and Ex.P3 is the raiding Panchanama. The prosecution treated this witness as hostile to the case of prosecution and suggested each and
Spl.C.C.483/2018

19

every word of alleged raid conducted on the alleged bag manufacturing unit of accused No.1 to 3 and rescue of Cw.4 to Cw.11, for that he has denied the same. His definite answer is he doesn't know anything about the alleged raid and not received any notice as per Ex.P1 and the police not conducted mahazar as per Ex.P3. Through the evidence of this witness the prosecution failed to prove the process of conducting mahazar as per Ex.P3 beyond all reasonable doubt.

20. By going through the evidence of Pw.5-Rafiq Ahmed, he has deposed that the building bearing No.17/1 of Cheluvadi Palya having three story's belongs to him. He has rented out the

ground floor to accused-Junayad for a sum of Rs.6,000/- per month and received Rs.70,000/- as advance, but no such rental agreement taken place between them. The accused has used the said building for bag manufacturing unit, nearly 8 children working there, on enquiry with them he has told they belonged to his own place. After raiding of the police, he came to know about the accused engaging children and extracting work from

Spl.C.C.483/2018

20

them in bag manufacturing unit, as such he has got vacated the accused from the said building.

21. The accused tested the veracity of evidence of this witness and elicited that after 3-4 days of the said raid of the bag manufacturing unit, he came to know about the incident. Except stating by the police that the accused has engaged children for work none of the persons told him. He has not given any complaint against accused-Junayad. Here it is relevant to note the rescued children not stepped into the witness box to give their evidence. Though he has deposed regarding giving his building for rent to the accused-Junayad, it is not safe to accept the alleged offences against accused persons.

22. By going through the evidence of Pw.6-Mohammad Kasim, he has deposed that the building bearing No.16/4 of Cheluvadi Palya having 2 storied building belongs to him, he has rented out the ground floor to accused No.2-Mohammad Firdoz, for a sum of Rs.8,000/-per month and received Rs.70,000/- as

advance, no such rental agreement taken place between them. He has used the said building for bag manufacturing unit, nearly 8 persons and children working there. On enquiry with them he has told they belonged to his own place, but after raiding of the police, he came to know about accused No.2 has engaged children and extracting work from them in bag manufacturing unit, as such he has got vacated him from the said building.

23. The accused tested the veracity of evidence of this witness and elicited that the raiding of the bag manufacturing unit came to know after 3-4 days of the said raid, except stating by the police, he has engaged children for work, none of the persons told him. He has not given any complaint against the accused-Mohammad Firdoz. Here it is relevant to note the rescued children not stepped into the witness box to give their evidence. Though he has deposed regarding given his building for rent to the accsued-Firdoz, it is not safe to accept the alleged offence against accused persons.

Spl.C.C.483/2018

24. By going through the evidence of Pw.7-Venkatesh, he has deposed that he doesn't know the owner of the building of the accused No.1 to 3, he has not seen the accused No.1 to 3 earlier, he doesn't know what case filed against them by the police. He has not given any statement before police against accused No.1 to 3. The prosecution treated this witness as

hostile to the case of prosecution and suggested each and every word of the raid conducted and rescued Cw.4 to Cw.11, for that he has denied the same. His definite answer is that he doesn't know anything about the alleged raid. Through the evidence of this witness the prosecution failed to prove the alleged offences against accused No.1 to 3 beyond all reasonable doubt.

25. By going through the evidence of Pw.9-Vishwas he has deposed that he doesn't know the owner of the building of the accused No.1 to 3, he has not seen the accused No.1 to 3 earlier, he doesn't know what case filed against them by the police. He has not given any statement before police against accused No.1 to 3. He doesn't know Cw.15 to Cw.19. The
Spl.C.C.483/2018

23

prosecution treated this witness as hostile to the case of prosecution and suggested each and every word of the raid conducted and rescue of Cw.4 to Cw.10, for that he has denied the same. His definite answer is that he doesn't know anything about the alleged raid. Through the evidence of this witness the prosecution failed to prove the alleged offences against accused No.1 to 3 beyond all reasonable doubt.

26. By going through the evidence of Pw.10-Zafarulla Khan, he has deposed that he has seen the accused No.3 earlier, but he doesn't know what case filed against him, no such contract taken place between him and the accused No.3. The police have not enquired him about this case. The building

No.22, 1st Cross, Cheluvadi Palya is not belonged to him and the same is building to his mother-in-law. He doesn't know for what purpose the said building used by his mother-in-law, he has not given any statement before police. The prosecution treated this witness as hostile to the case of prosecution and suggested each and every word of Ex.P26, for that he has

Spl.C.C.483/2018

24

denied the same. His definite answer is that he has not given any statement before police and he don't know anything about alleged raid conducted by the police. Through the evidence of this witness the prosecution failed to prove the alleged offences against accused No.1 to 3 beyond all reasonable doubt.

27. By going through the evidence of Pw.8-Dr.Parvin Khan, she has deposed that she has examined Cw.15 to Cw.19 on 11-06-2016 and issued medical report as per Ex.P14 to Ex.P21 and her signature is Ex.P14(b) to Ex.P21(b). The accused tested her veracity and elicited that at the time of issuing Ex.P14 to Ex.P21 she has subjected the said children to ossification test, dental test and X-ray and she has not collected any authenticated document regarding their age. She has also not mentioned at what time she has conducted medical check up on the said children. The above said admission crystallizes that she has not examined said children as per law and issued Ex.P14 to Ex.P21 as per her whims and fancies. At this stage this Court opines, since the victim boys are not

Spl.C.C.483/2018

25

stepped into the witness box to give their evidence, it is not safe to accept the evidence of this witness and the same is formal one.

28. The oral and documentary evidence placed on record by the prosecution is insufficient to prove the alleged offences against accused No.1 to 3 beyond all reasonable doubt. The defense of the accused No.1 to 3 and the facts and circumstances of the case including materials on record discussed above probabalises the defense of the accused No.1 to 3 rather than the case of the prosecution.

29. In view of aforesaid reasons, I hold that the evidence of Pw.1 to Pw.9 and documentary evidence as per Ex.P1 to Ex.P26, placed on record in respect of alleged offences, is insufficient to prove that the accused No.1 at building No.17/1, 1st Cross, Cheluvadi Palya, within the jurisdiction of Cotton Pete Police Station-Bangalore, is running bag manufacturing factory by engaging minor boys-Cw.4 and Cw.5 who were brought by way of human trafficking from outside the State, they were kept

Spl.C.C.483/2018

26

in the factory itself without allowing them to go outside and without sending them to the school and extracting work for more hours in a day without paying salary and without providing basic necessities to them, likewise the accused No.2 at building No. 1126, New No.16/4, 1 st Cross, Cheluvadi Palya, engaged child labours Cw.6 and Cw.7, the accused No.3 at building No.22, 1st Floor, 1st Cross, Cheluvadi Palya, engaged

Cw.8 to Cw.10 as child labours and the accused No.4 at building No.22, 1st floor, 1st Cross, Cheluvadi Palya engaged child labour-Cw.11 and thereby the accused No.1 to 3 committed offences punishable under Section 370(5), 374 read with section 34 of IPC, Section 75 and 79 of J.J. Act, beyond all reasonable doubt. Consequently, I hold Point No.1 to 4 in the "Negative".

30. Point No.5:- For the above said reasons and discussions on Point No.1 to 4, I hold that the accused No.1 to 3 are entitled for an order of acquittal. Hence, in the final result, I proceed to pass the following:

Spl.C.C.483/2018

27

ORDER

Acting under Section 235(1) of Cr.P.C., the accused No.1 to 3, are acquitted for the offences punishable under Section 370(5), 374 read with section 34 of IPC and Section 75 and 79 of J.J. Act. Their bail bonds and surety bonds stand cancelled.

(Computerized to my dictation by the Judgment Writer. It is then corrected, signed and pronounced by me in open Court on this the 28 th Day of January, 2020.) (SUSHEELA) L ADDL.CITY CIVIL & SESSIONS JUDGE, BANGALORE A NN EX UR E LIST OF WITNESSES EXAMINED ON BEHALF OF PROSECUTION Pw.1 Narayani Cw.1 26-04-2019 Pw.2 Srikanth Cw.24 01-10-2019 Pw.3 Ramamurthy Cw.3 01-10-2019 Pw.4 Mani Cw.2 06-11-2019 Pw.5 Rafiq Ahmed Cw.20 06-11-2019 Pw.6 Mohammad Kasim Cw.21 06-11-2019 Pw.7 Venkatesh Cw.23 06-11-2019 Spl.C.C.483/2018 Pw.8 Dr. Parvin Khan Cw.26 21-11-2019 Pw.9 Vishwas Cw.25 21-11-2019 Pw.10 Jafrulla Khan Cw.22 21-11-2019 LIST OF DOCUMENTS MARKED ON BEHALF OF PROSECUTION Ex.P 1 Notice to Panchas Pw.1 26-04-2019 Ex.P 2 Report of Pw.1 Pw.1 26-04-2019 Ex.P 3 Mahazar Pw.1 26-04-2019 Ex.P 4-11 Statements of Cw.4 to Pw.1 26-04-2019 Cw.11 Ex.P 12 Requisition to BOCSO Pw.1 26-04-2019 Ex.P 13 Requisition to CWC-1 Pw.1 26-04-2019 Ex.P 14 to Medical examination Pw.1 26-04-2019 21 certificates of victims Ex.P 22 Copy of rental agreement Pw.1 26-04-2019 Ex.P 23 Electricity bill Pw.1 26-04-2019 Ex.P 24 Tax paid receipt Pw.1 26-04-2019 Ex.P 23 Statement of Pw.2 01-10-2019 Ex.P 24 Statement of Pw.7 Pw.7 06-11-2019 Ex.P 25 Statement of Pw.9 Pw.9 21-11-2019 Ex.P 26 Statement of Pw.10 Pw.10 21-11-2019 LIST OF MATERIAL OBJECTS MARKED ON BEHALF OF PROSECUTION

-NIL-

Spl.C.C.483/2018 LIST OF WITNESSES EXAMINED, DOCUMENTS MARKED & MO.S MARKED
ON BEHALF OF DEFENCE

-NIL-

L ADDL.CITY CIVIL & SESSIONS JUDGE, BANGALORE