

4. Name Of The Accused 1. Sameer Khan vs To 3 Are Acquitted on 23 January, 2016

IN THE COURT OF THE VIII ADDL. C.M.M., BENGALURU.

Dated this the 23rd day of January 2016.

Present : Sri.D. Puttaswamy, B.A., LL.B.
VIII ADDL. C.M.M., BENGALURU.

C.C. NO. 3357/2013

JUDGMENT U/S 355 OF THE Cr.P.C. 1973.

1. Sl. No. of the Case 3357/2013

2. The date of 10/08/2012
commission of the
offence

3. Name of the State by RT Nagar P.S.
complainant

4. Name of the accused 1. Sameer Khan, S/o. S.B.Babu,
28 years, No.1266, 4th Cross,
Manjunatha Layout, R.T.
Nagar, Bengaluru.

2. Saleem, S/o. S.B.Babu, 27
years, No.1266, 4th Cross,
Manjunatha Layout, R.T.
Nagar, Bengaluru.

3. Syed Sadiq @ Baba, S/o.
Syed Basha, 30 years, I
Cross, Muniyanna Block, Near
Fathima Medicals,
Chamundinagar, R.T. Nagar,
Bengaluru.

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5. The offence U/sec. 323, 324, 326, 504, 506
complained of or r/w 34 of IPC.
proved

6. Plea of the accused Pleaded not guilty
and his examination

7. Final Order Acting U/sec. 248(1) Cr.PC
Accused-1 to 3 are acquitted.

JUDGMENT

This is the charge sheet filed by the PSI, RT Nagar Police station against the accused-1 to 3 for the offences punishable U/sec. 323, 324, 326, 504, 506 r/w 34 of IPC.

2. The brief facts of the prosecution case are that:

On 10/08/2012 at about 4.30 p.m. at Vasanthappa Block, 6th Cross, within jurisdiction of RT Nagar Police station, accused-1 to 3 in furtherance of common intention to commit an offence picked up quarrel with CW.1 and 2 and in the above said transaction assaulted with hands on the body of CW.1 to 3 thereby caused bodily pain to them, assaulted with Motorcycle Silencer on the left hand of CW.2 and also assaulted with stone on the leg of CW.2 thereby caused simple injuries. Further, accused have assaulted with knife on the left elbow of CW.1 and on the right head of CW.2 thereby caused grievous injuries, abused CW.1 and 2 in filthy language knowingly such insult will provoke breach of peace and threatened CW.1, 2 and 3 with dire consequences thus committed criminal intimidation and thereby committed the alleged offences.

3. Accused-1 to 3 are on bail. As required u/sec.207 of Cr.PC, the copies of the charge sheet papers were furnished to the accused. The accused on framing the charges, denied the charges and thereupon the prosecution was directed to lead the evidence on its side to prove the allegations. As such the prosecution examined PWs:1 and 2 and got marked Ex.P.1 and 2. On closure of the prosecution evidence, as there was no incriminating evidence against the accused, the statement of the accused u/sec. 313 Cr.PC is dispensed with.

4. I have heard the arguments from both the sides .

5. The following points that arise for my consideration are:

1) Whether the prosecution proves beyond all reasonable doubt that on 10/08/2012 at about 4.30 p.m. at Vasanthappa Block, 6th Cross, within jurisdiction of RT Nagar Police station, accused-1 to 3 in furtherance of common intention to commit an offence have committed the offences punishable U/sec. 323, 324, 326, 504, 506 r/w 34 of IPC. ?

2) What order?

6. My finding on the above points are held as under:

Point No.1 In the negative Point No.2 As per final order for the following:

REASONS

7. Point No.1:-

In order to bring home the guilt of accused, the prosecution has examined PWs.1 and 2, who have turned hostile in toto to the case of the prosecution. PW.1 and 2 in their evidence deposed that, they know the accused persons and CW.1 is the brother of PW.1 and CW.1 is no more. They further deposed that, accused have not assaulted them and CW.1 with hands, not assaulted with motor cycle silencer, stone and knife to them and not caused any simple and grievous injuries. They further deposed that, accused have not abused them in filthy language and not put life threat to them. They further deposed that, they have not given statements before the police as per Ex.P1 and 2.

8. Even in the cross-examination by learned Sr.APP, PW.1 and 2 have not supported the case of the prosecution. In the cross-examination PW.1 and 2 have denied that they have given statements before the police as per Ex.P1 and 2. This being the evidence of PW.1 and 2, it is fatal to the case of the prosecution.

9. Even though learned Sr.APP prayed for issuance of summons to other witnesses. As there is no evidence by the complainant, since he is dead and the other victims i.e., PWs.1 and 2 have turned hostile to the case of the prosecution, mere issuance of summons to other witnesses and examination of those witnesses would not serve the purpose of the prosecution and hence prayer of learned Sr.APP is rejected.

10. As already observed, there is no evidence by the complainant, who is dead and the other victims, who have been examined have turned hostile to the case of the prosecution. In the absence of such material evidence, it is not safe to come to conclusion that prosecution has proved the guilt of accused persons. Therefore, I answer point no.1 in the negative.

11. Point No.2:- In the result, I proceed to pass the following:

ORDER Acting under Section 248 (1) of Cr.P.C., the accused-1 to 3 are hereby acquitted of the offences punishable U/sec. 323, 324, 326, 504, 506 r/w 34 of IPC.

Bail bonds of accused and their surety bonds stand cancelled.

Seized property being worthless, ordered to be destroyed after appeal period is over.

(Dictated to the stenographer, transcript thereof, corrected and then pronounced by me in the open court this the 23rd day of January 2016.) (D. Puttaswamy) VIII Addl.C.M.M. Bengaluru.

Annexure:

1. List of Witnesses examined on behalf of the prosecution: P. Ws:

1. Gouse Pasha

2. Seema Taj.

2. List of Documents marked on behalf of the prosecution:- Ex.Ps:

1. Statement of PW.1

2. Statement of PW.2 .

3. List of Material objects marked on behalf of the prosecution:-

- NIL -

4. List of witnesses and documents marked on behalf of the accused: -NIL -

VIII Addl. C. M. M. Bengaluru.

IN THE COURT OF THE VIII ADDL. C.M.M., BENGALURU.

Dated this the 18th day of January 2016. Present : Sri.D. Puttaswamy, B.A., LL.B. VIII ADDL. C.M.M., BENGALURU. C.C. NO. 43855/2010 JUDGMENT U/S 355 OF THE Cr.P.C. 1973.

9. Sl. No. of the Case 43855-10

10. The date of 08/05/2010 commission of the offence

11. Name of the State by High Grounds P.S. complainant

12. Name of the accused 1: Aravind @ Aravind Yadav, S/o. Narasimha Murthy, 28 years. 2: Narasimha Murthy, S/o. Uggregowda, 60 years.

3: Mangala Murthy W/o. Narasimha Murthy, 52 years. 4: M.R. Saumya D/o. Narasimha Murthy, 23 years. All are R/at No.21/1, Yamuna Bai Road, Madhavanagar, Bengaluru.

13. The offence U/sec. 323, 324, 504, 506 r/w 34 of complained of or IPC.

proved Dr.examined, but CW.1 not examined.

14. Plea of the accused Pleaded not guilty and his examination

15. Final Order Acting U/sec. 248(1) Cr.PC Accused -1 to 4 are acquitted

16. Date of such order 18/01/2016 For the following:-

JUDGMENT This is the charge sheet filed by the Sub-Inspector of Police, High Grounds P.S. against the accused-1 to 4 for the offences punishable U/sec. 323, 324, 504, 506 r/w 34 of IPC.

2. The brief facts of the prosecution case are that:

Accused-1 to 4 in furtherance of common intention to commit an offence on 08.05.2010 at about 12.30 p.m. while CW.2 was going to shop accused-3 to 4 assaulted on the body of CW.2 thereby caused bodily pain to him and when CW.1 came to secure CW.2 at that time accused-2 abused CW.1 in filthy language and accused-1 and 2 assaulted with stick on left leg of CW.2 thereby caused bleeding injuries and also gave life threat and thereby committed the alleged offences.

3. Accused-1 to 4 are on bail. As required u/sec.207 of Cr.PC, the copies of the charge sheet papers were furnished to the accused. The accused on framing the charges, denied the charges and thereupon the prosecution was directed to lead the evidence on its side to prove the allegations. As such the prosecution examined PW:1 and got marked Ex.P.1. On closure of the evidence on the side of the prosecution, the statement of the accused u/sec.313 Cr.PC came to be recorded. In defense, the accused have placed no evidence.

4. I have heard the arguments from both the sides .

5. The following points that arise for my consideration are:

1) Whether the prosecution proves beyond all reasonable doubt that accused-1 to 4 in furtherance of common intention to commit an offence on 08.05.2010 at about 12.30 p.m. while CW.2 was going to shop accused-3 to 4 assaulted on the body of CW.2 thereby caused bodily pain to him and when CW.1 came to secure CW.2 at that time accused-2 abused CW.1 in filthy language and accused-1 and 2 assaulted with stick on left leg of CW.2 thereby caused bleeding injuries and also gave life threat and thereby committed the offences punishable U/sec. 323, 324, 504, 506 r/w 34 of IPC.?

2) What order?

6. My finding on the above points are held as under:

Point No.1 In the negative Point No.2 As per final order for the following:

REASONS

7. Point No.1:-

In order to bring home the guilt of accused, the prosecution has examined PW.1. PW.1 being the CMO at Bowring Hospital, in his evidence deposed that, he examined CW.1 and CW.2 and issued wound certificates as per the Ex.P.1 and P2.

8. Except the evidence of PW.1, no other evidence is available on record to establish the guilt of accused. It is to be noted that, complainant has not been secured and examined before the court. Even CWs.4 to 5 and 6, 7 & 9 have also not been secured and examined. As such, CWs.1 to 5 and 6, 7 & 9 are dropped by rejecting the prayer of learned Sr.APP.

9. In the absence of cogent, material and corroborative evidence of complainant, it is not safe to come to conclusion that prosecution has proved the guilt of accused. Therefore, I answer point no.1 in the negative.

10. Point No.2:- In the result, I proceed to pass the following:

ORDER Acting under Section 248 (1) of Cr.P.C., accused-1 to 4 are hereby acquitted of the offences punishable U/sec. 323, 324, 504, 506 r/w 34 of IPC.

Bail bonds of accused and their surety bonds stand cancelled.

Seized property being worthless, ordered to be destroyed after appeal period is over.

(Dictated to the stenographer, transcript thereof, corrected and then pronounced by th me in the open court this the 18 day of January 2016.) (D. Puttaswamy) VIII Addl.C.M.M. Bengaluru.

Annexure:

1.List of Witnesses examined on behalf of the prosecution: P. Ws:

3. Anil Kumar K.C.

2.List of Documents marked on behalf of the prosecution:- Ex.Ps:

1. Wound Certificate.

3.List of Material objects marked on behalf of the prosecution:-

- NIL -

4.List of witnesses and documents marked on behalf of the accused: -NIL -

VIII Addl. C. M. M. Bangalore.

The accused on framing the charges, denied the charges and thereupon the prosecution was directed to lead the evidence on its side to prove the allegations. As such the prosecution examined PW:1 and got marked Ex.P.1 to 4. On closure of the prosecution evidence, as there was no incriminating evidence against the accused, the statement of the accused u/sec.313 Cr.PC is dispensed with.

4. I have heard the arguments from both the sides .

5. The following points that arise for my consideration are:

1) Whether the prosecution proves beyond all reasonable doubt that on 23/09/2014 at about 8.30 p.m. near King Fisher Hotel, situated at Maruthi Nagar, Nagarbhavi Main Road, which is situated within jurisdiction of Chandralayout P.S., accused has committed the offences punishable U/sec.323, 427, 504 506 of IPC.?

2) What order?

6. My finding on the above points are held as under:

Point No.1 In the negative Point No.2 As per final order for the following:

REASONS

7. Point No.1:-

In order to bring home the guilt of accused, the prosecution has examined PW.1. PW.1 has turned hostile in toto to the case of the prosecution. PW.1, who being the complainant in his evidence deposed that, accused has not abused him in filthy language, not assaulted with hands on his cheek, not put life threat to him and not caused any loss to him by damaging car door censible and goggle box. PW.1 further deposed that he has not given complaint before the police as per Ex.P1 and police have not drawn mahazars in his presence as per Ex.P2 and P3.

8. Even in the cross-examination by learned Sr.APP, PW.1 has not supported the case of the prosecution. In the cross-examination PW.1 has specifically denied for having given complaint and police have drawn mahazars. PW.1 further denied that he has given further statement before the police as per Ex.P4. This being the evidence of PW.1, it is fatal to the case of the prosecution.

9. Even though learned Sr.APP prayed for issuance of summons to other witnesses. As PW.1 being the material witness/aggrieved person has not supported the case of the prosecution, mere issuance of summons to other witnesses and examination of those witnesses would not serve the purpose of the prosecution and hence prayer of learned Sr.APP is rejected.

10. In the absence of cogent, corroborative and material evidence, it is not safe to come to conclusion that prosecution has proved the allegations against the accused beyond all reasonable

doubt. Therefore, I answer point no.1 in the negative.

11. Point No.2:- In the result, I proceed to pass the following:

ORDER Acting under Section-248(1) of Cr.P.C., the accused is hereby acquitted of the offences punishable U/sec.323, 427, 504 506 of IPC.

Bail bond of accused and his surety bond stands cancelled. (Dictated to the stenographer, transcript thereof, corrected and then pronounced by me in the open court this the 14th day of January 2016.) (D. Puttaswamy) VIII Addl.C.M.M. Bengaluru.

Annexure:

1.List of Witnesses examined on behalf of the prosecution:

P. Ws:

4. Vidyadara Shetty.

2.List of Documents marked on behalf of the prosecution:- Ex.Ps:

2. Complaint

3. Spot Mahazar

4. Seizure Mahazar

5. Further statement of PW.1.

3.List of Material objects marked on behalf of the prosecution:-

-NIL-

4.List of witnesses and documents marked on behalf of the accused:- - NIL -

VIII Addl. C. M. M. Bangalore.

IN THE COURT OF THE VIII ADDL. C.M.M., BENGALURU.

Dated this the 12th day of January 2016.

Present : Sri.D. Puttaswamy, B.A., LL.B. VIII ADDL. C.M.M., BENGALURU. C.C. NO. 14383/2010
JUDGMENT U/S 355 OF THE Cr.P.C. 1973. .52 Sl. No. of the Case 14383/2010

26. The date of 26/10/2009 commission of the offence

27. Name of the State by Koramangala P.S. complainant

28. Name of the A1: Bittu accused A2: Not Named A3: David Raymond, S/o. Mel Ram Raymond, Aged about 37 years No.615, 80 Feet Road, 6th Block, Koramangala, Bengaluru. owh

29. The offence U/sec.324, 325, 506 r/w 34 of complained of or IPC.

proved

30. Plea of the accused Pleaded not guilty and his examination

31. Final Order Acting U/sec. 248(1) Cr.PC Accused-1 is acquitted.

32. Date of such order 12/01/2016 For the following:-

JUDGMENT This is the charge sheet filed by the PSI of Koramangala P.S. against the accused-1 to 3 for the offences punishable U/sec.324, 325, 506 r/w 34 of IPC.

2. The brief facts of the prosecution case are that:

On 26/12/2009 at about 2.15 hours accused-1 along with accused-2 and 3 mentioned at column no.2 of charge sheet in furtherance of common intention to commit an offence picked up quarrel with CW.1, near Sony World, within the jurisdiction of Koramangala P.S., assaulted CW.1 with helmet thus voluntarily caused hurt and assaulted CW.1 with his fist due to that CW.1 has lost two teeth thus voluntarily caused grievous hurt and also threatened CW.1 with dire consequences thus committed criminal intimidation and thereby committed the alleged offences.

3. Accused-1 is on bail. Case against the accused-2 and 3 is split-up. As required u/sec.207 of Cr.PC, the copies of the charge sheet papers were furnished to the accused-1. The accused-1 on framing the charges, denied the charges and thereupon the prosecution was directed to lead the evidence on its side to prove the allegations. As such the prosecution examined PW:1 and got marked Ex.P.1 and 2. On closure of the prosecution evidence, as there was no incriminating evidence against the accused-1, the statement of the accused-1 u/sec.313 Cr.PC is dispensed with.

4. I have heard the arguments from both the sides .

5. The following points that arise for my consideration are:

i. Whether the prosecution proves beyond all reasonable doubt that on 26/12/2009 at about 2.15 hours near Sony World, within the jurisdiction of Koramangala P.S.,

accused-1 along with split-

up accused-2 and 3 have
committed the offences

punishable U/sec.324, 325, 506 r/w 34 of IPC.?

ii. What order?

6. My finding on the above points are held as under:

Point No.1 In the negative Point No.2 As per final order for the following:

REASONS

7. Point No.1:-

In order to bring home the guilt of accused, the prosecution has examined PW.1. PW.1 has turned hostile in toto to the case of the prosecution. PW.1, who being the complainant in his evidence deposed that, he knows the accused-1 and other 2 accused and they have not assaulted him with helmet, not assaulted with fist on his mouth and as a result he has not lost two teeth. PW.1 further deposed accused have not threatened him with dire consequences. PW.1 further deposed that he has not given complaint before the police as per Ex.P1 and police have not drawn mahazar as per Ex.P2.

8. Even in the cross-examination by learned Sr.APP, PW.1 has not supported the case of the prosecution. In the cross-examination PW.1 has specifically denied for having given complaint and police have drawn mahazar. This being the evidence of PW.1, it is fatal to the case of the prosecution.

9. Even though learned Sr.APP prayed for issuance of summons to other witnesses. As PW.1 being the material witness/victim has not supported the case of the prosecution, mere issuance of summons to other witnesses and examination of those witnesses would not serve the purpose of the prosecution and hence prayer of learned Sr.APP is rejected.

10. In the absence of cogent, corroborative and material evidence, it is not safe to come to conclusion that prosecution has proved the allegations against the accused beyond all reasonable doubt. Therefore, I answer point no.1 in the negative.

11. Point No.2:- In the result, I proceed to pass the following:

ORDER Acting under Section-248(1) of Cr.P.C., the accused-1 is hereby acquitted of the offences punishable U/sec.324, 325, 506 r/w 34 of IPC.

Bail bond of accused-1 and his surety bond stands cancelled.

Office is hereby directed to keep this file along with split- up case, registered against accused-2 and 3.

(Dictated to the stenographer, transcript thereof, corrected and then pronounced by me in the open court this the 12th day of January 2016.) (D. Puttaswamy) VIII Addl.C.M.M. Bengaluru.

Annexure:

1.List of Witnesses examined on behalf of the prosecution: P. Ws:

5. Sadiq.

2.List of Documents marked on behalf of the prosecution:- Ex.Ps:

6. Complaint

7. Mahazar.

3.List of Material objects marked on behalf of the prosecution:-

-NIL-

4.List of witnesses and documents marked on behalf of the accused:- - NIL -

VIII Addl. C. M. M. Bangalore.

IN THE COURT OF THE VIII ADDL. C.M.M., BENGALURU.

Dated this the 12th day of January 2016.

Present : Sri.D. Puttaswamy, B.A., LL.B. VIII ADDL. C.M.M., BENGALURU.

C.C. NO.1880/2013 JUDGMENT U/S 355 OF THE Cr.P.C. 1973. .33 Sl. No. of the Case 1880/2013

34. The date of 04/07/2012 commission of the offence

35. Name of the State by Sheshadripuram P.S. complainant

36. Name of the 1.Shekar, S/o. Narayana Swamy, accused No.59/13, 7th Cross, Pipe Line, Malleshwaram, Bengaluru.

2.Raghu, S/o.Rangappa, 18 years, No.24, 4th Cross, Vivekananda Block, PG Halli, Bengaluru.

37. The offence U/sec.341, 326 r/w 34 of IPC.

complained of or owh
proved

38. Plea of the accused Pleaded not guilty and his examination

39. Final Order Acting U/sec. 248(1) Cr.PC Accused-1 is acquitted.

40. Date of such order 12/01/2016 For the following:-

JUDGMENT This is the charge sheet filed by the PSI of Sheshadripuram P.S. against the accused-1 and 2 for the offences punishable U/sec.341, 326 r/w 34 of IPC.

2. The brief facts of the prosecution case are that:

On 04/07/2012 at about 8.30 p.m. accused-1 and 2 in furtherance of common intention to commit an offence picked up quarrel with CW.1 and 2 near House No.1, situated at 4th Cross, Malleshwaram Link Road and in the above said transaction wrongfully restrained CW.1, accused-1 assaulted with cricket bat on the head of CW.1 and accused-2 assaulted with cricket bat on the nose and near the ear of CW.1 thereby caused grievous injuries to CW.1 and thereby committed the alleged offences.

3. Accused-1 and 2 are on bail. As required u/sec.207 of Cr.PC, the copies of the charge sheet papers were furnished to the accused. The accused on framing the charges, denied the charges and thereupon the prosecution was directed to lead the evidence on its side to prove the allegations. As such the prosecution examined PW:1 and got marked Ex.P.1 to 4. On closure of the prosecution evidence, as there was no incriminating evidence against the accused, the statement of the accused u/sec.313 Cr.PC is dispensed with.

4. I have heard the arguments from both the sides .

5. The following points that arise for my consideration are:

1) Whether the prosecution proves beyond all reasonable doubt that on 04/07/2012 at about 8.30 p.m. near House No.1, situated at 4th Cross, Malleshwaram Link Road, within jurisdiction of Sheshadripuram P.S., accused-

1 and 2 have committed the offences punishable U/sec.341, 326 r/w 34 of IPC.?

2) What order?

6. My finding on the above points are held as under:

Point No.1 In the negative Point No.2 As per final order for the following:

REASONS

7. Point No.1:-

In order to bring home the guilt of accused, the prosecution has examined PW.1. PW.1 has turned hostile in toto to the case of the prosecution. PW.1, who being the complainant in his evidence deposed that, he knows the accused persons, they have not wrongfully restrained him and not assaulted him with cricket bat and not caused any grievous injury. PW.1 further deposed that he has not given complaint before the police as per Ex.P1 and police have not drawn mahazar and not seized any property in his presence as per Ex.P2 and P3.

8. Even in the cross-examination by learned Sr.APP, PW.1 has not supported the case of the prosecution. In the cross-examination PW.1 has specifically denied for having given complaint and police have drawn mahazars. PW.1 further denied that he has given further statement before the police as per Ex.P4. This being the evidence of PW.1, it is fatal to the case of the prosecution.

9. Even though learned Sr.APP prayed for issuance of summons to other witnesses. As PW.1 being the material witness/victim has not supported the case of the prosecution, mere issuance of summons to other witnesses and examination of those witnesses would not serve the purpose of the prosecution and hence prayer of learned Sr.APP is rejected.

10. In the absence of cogent, corroborative and material evidence, it is not safe to come to conclusion that prosecution has proved the allegations against the accused beyond all reasonable doubt. Therefore, I answer point no.1 in the negative.

11. Point No.2:- In the result, I proceed to pass the following:

ORDER Acting under Section-248(1) of Cr.P.C., the accused-1 and 2 are hereby acquitted of the offences punishable U/sec.341, 326 r/w 34 of IPC.

Bail bonds of accused and their surety bonds stand cancelled.

(Dictated to the stenographer, transcript thereof, corrected and then pronounced by me in the open court this the 11th day of January 2016.) (D. Puttaswamy) VIII Addl.C.M.M. Bengaluru.

Annexure:

1.List of Witnesses examined on behalf of the prosecution: P. Ws:

6. Deelip Kumar.C.

2.List of Documents marked on behalf of the prosecution:- Ex.Ps:

8. Complaint

9. Spot Mahazar

10. Seizure mahazar

11. Further statement of PW.1.

3.List of Material objects marked on behalf of the prosecution:-

-NIL-

4.List of witnesses and documents marked on behalf of the accused:- - NIL -

VIII Addl. C. M. M. Bangalore.

IN THE COURT IN THE COURT OF THE VIII ADDL. C.M.M., BENGALURU.

Dated this the 8th day of January 2016. Present : Sri.D. Puttaswamy, B.A., LL.B. VIII ADDL. C.M.M., BENGALURU. C.C. NO.32862/2014 JUDGMENT U/S 355 OF THE Cr.P.C. 1973. .14 Sl. No. of the Case 32862/2014

42.The date of 03/05/2006 commission of the offence

43.Name of the State by Thyagaraj Nagar P.S. complainant

44.Name of the accused 1.Pramod Magala, S/o. Prahalada Rao, No.7, 9th Cross, NR Colony, Basavana Gudi, Bengaluru.

2.Pradeep Magala, S/o. Prahalada Rao, No.7, 9th Cross, NR Colony, Basavana Gudi, Bengaluru.

45.The offence U/sec. 498(A), 506 of IPC. complained of or owh proved

46.Plea of the accused Pleaded not guilty and his examination

47.Final Order Acting U/sec. 248(1) Cr.PC Accused-1 & 2 are acquitted.

48.Date of such order 08/01/2016 For the following:-

JUDGMENT This is the charge sheet filed by the PSI, Thyagaraj Nagar P.S. against the accused-1 and 2 for the offences punishable U/sec. 498(A), 506 of IPC .

2. The brief facts of the prosecution case are that:

On 15/12/2008 accused -1 married CW.1 at Sri. Venkata Ramana Swamy Temple, Bengaluru as per customs prevailed in the community and after 2 years the accused-1 ill-treated CW.1 mentally and physically and on 15/01/2013 accused- 1 being the husband of CW.1 along with accused-2 threatened CW.1 with dire consequences thus committed criminal intimidation and thereby committed the alleged offences.

3. Accused-1 and 2 are on bail. As required u/sec.207 of Cr.PC, the copies of the charge sheet papers were furnished to the accused. The accused on framing the charges, denied the charges and thereupon the prosecution was directed to lead the evidence on its side to prove the allegations. As such the prosecution examined PW:1 and got marked Ex.P.1 to P4. On closure of the prosecution evidence, as there was no incriminating evidence against the accused, the statement of the accused u/sec. 313 Cr.PC is dispensed with.

4. I have heard the arguments from both the sides .

5. The following points that arise for my consideration are:

1. Whether the prosecution proves beyond all reasonable doubt that on 15/12/2008 accused -1 married CW.1 at Sri. Venkata Ramana Swamy Temple, Bengaluru as per customs prevailed in the community and after 2 years the accused-1 ill-treated CW.1 mentally and physically and on 15/01/2013 accused-1 being the husband of CW.1 along with accused-2 threatened CW.1 with dire consequences thus committed criminal intimidation consequences thus committed criminal intimidation and thereby committed the offences punishable U/sec. 498(A), 506 of IPC.?

2. What order?

6. My finding on the above points are held as under:

Point No.1 In the negative Point No.2 As per final order for the following:

REASONS

7. Point No.1:-

In order to bring home the guilt of accused, the prosecution has examined PW.1. PW.1 has turned hostile in toto to the case of the prosecution. PW.1, who being the complainant in her evidence she has deposed that, accused-1 is her husband,

accused-2 is her brother-in-law and her marriage took place on 3/5/2006 and after 2 years accused-1 at the instigation of accused-2 has not harassed her either mentally or physically. PW.1 further deposed that, on 15/01/2013 accused-1 and 2 have not put any life threat to her. PW.1 further deposed that, she has not given complaint before the police as per Ex.P1 and police have not drawn mahazar as per Ex.P2.

8. Even in the cross-examination by learned Sr.APP, PW.1 has not supported the case of the prosecution. In the cross-

examination PW.1 has specifically denied for having given complaint and police have drawn mahazar. This being the evidence of PW.1, it is fatal to the case of the prosecution.

9. Even though learned Sr.APP prayed for issuance of summons to other witnesses. As PW1 being the material witness/ victim has not supported the case of the prosecution, mere issuance of summons to other witnesses and examination of those witnesses would not serve the purpose of the prosecution and hence prayer of learned Sr.APP is rejected.

10. In the absence of cogent, corroborative and material evidence, it is not safe to come to conclusion that prosecution has proved the allegations against the accused beyond all reasonable doubt. Therefore, I answer point no.1 in the negative.

11. Point No.2:- In the result, I proceed to pass the following:

ORDER Acting under Section 248 (1) of Cr.P.C., accused-1 and 2 are hereby acquitted of the offence punishable U/sec. 498(A), 506 of IPC.

Bail bonds of accused and their surety bonds stand cancelled.

(Dictated to the stenographer, transcript thereof, corrected and then pronounced by th me in the open court this the 8 day of January 2016.) (D. Puttaswamy) VIII Addl.C.M.M. Bengaluru.

Annexure:

1.List of Witnesses examined on behalf of the prosecution: P. Ws:

7. Krupa.

2.List of Documents marked on behalf of the prosecution:- Ex.Ps:

1. Complaint

2. Mahazar

3. Photo

4. Photo

3. List of Material objects marked on behalf of the prosecution:-

- NIL -

4. List of witnesses and documents marked on behalf of the accused:- -NIL -

VIII Addl. C. M. M. Bangalore.

IN THE COURT OF THE VIII ADDL. C.M.M., BENGALURU.

Dated this the 6th day of January 2016. Present : Sri.D. Puttaswamy, B.A., LL.B. VIII ADDL. C.M.M., BENGALURU. CC No. 4071/2014 JUDGMENT U/S 355 OF THE Cr.P.C. 1973.

49. Sl. No. of the Case 4071/2014

50. The date of 21/01/2013 commission of the offence

51. Name of the State by Gangammanagudi P.S. complainant

52. Name of the accused 1: Muniyamma, W/o. late Muniyappa, 50 years, No.66, AK Colony, Near Sri Ram Temple, Kammagondanahalli, Jalahalli West, Bengaluru.

2: Muniraju S/o. late Muniyappa, Sri Ram Temple, Kammagondanahalli, Jalahalli West, Bengaluru.

3: Munirathna D/o. late Muniyappa, 40 years, No.66, AK Colony, Near Sri Ram Temple, Kammagondanahalli, 46 Jalahalli West, Bengaluru.

4: Nagarathna D/o. late Muniyappa, 38 years.

No.66, AK Colony, Near Sri Ram Temple, Kammagondanahalli, Jalahalli West, Bengaluru.

5: Bailappa S/o. late Muniyappa, 28 years, No.66, AK Colony, Near Sri Ram Temple, Kammagondanahalli, Jalahalli West, Bengaluru.

6: Mailarappa S/o. late Muniyappa, 28 years, No.66, AK Colony, Near Sri Ram Temple, Kammagondanahalli, Jalahalli West, Bengaluru.

7: Mahesh S/o. late Muniyappa, Sri Ram Temple, Kammagondanahalli, Jalahalli West, Bengaluru.

8: Gangamma D/o. late Muniyappa, 24 years, No.66, 7th Cross, Kammagondanahalli, Jalahalli West, Bengaluru.

9: Sujana D/o. late Muniyappa, 20 years, No.66, 7th Cross, Kammagondanahalli, Jalahalli West, Bengaluru.

53. The offence U/sec. 143, 147, 504, 323, 354, complained of or 506, 419 r/w 149 of IPC.

	proved	Three wit hostile
54.	Plea of the accused and his examination	Pleaded not guilty
55.	Final Order	Acting U/sec. 248(1) Cr.PC Accused-1 to 9 are acquitted.
56.	Date of such order For the following:-	06/01/2016

JUDGMENT

This is the charge sheet filed by the Sub-Inspector of Police, Gangammanagudi P.S. against the accused-1 to 9 for the offences punishable U/sec. 143, 147, 504, 323, 354, 506, 419 r/w 149 of IPC.

2. The brief facts of the prosecution case are that:

Accused - 1 to 9 in prosecution of common object to commit an offence on 21/01/2013 at about 7 p.m. formed an unlawful assembly opposite to Gurumahal Building, situated at A.K. Colony, within the jurisdiction of Gangammanagudi P.S., committed rioting and picked up quarrel with CWs. 1, 4, 5, 6 and 7 with regard to land and in the above said transaction abused them in filthy language knowingly such insult will provoke breach of peace, assaulted them with hands thus voluntarily caused hurt.

Further, accused misbehaved with CW.4 and tried to outrage her modesty in the public by dragging her sari and threatened CW.1 and 4 with dire consequences thus committed criminal intimidation. Subsequently, accused impersonated that they have rights in the property bearing Sy.No.68, situated at Kammagondanahalli, Yeshwanthpura Hobli and filed a case on CW.1 and 4 vide O.S. No.9039/2012 before City Civil Court, Bengaluru and thereby committed the alleged offences.

3. Accused -1 to 9 are on bail. As required u/sec.207 of Cr.PC, the copies of the charge sheet papers were furnished to the accused. The accused on framing the charges, denied the charges and thereupon the prosecution was directed to lead the evidence on its side to prove the allegations. As such the prosecution examined PWs:1 to 3 and got marked Ex.P.1 to 4. On closure of the prosecution evidence, as there was no incriminating evidence against the accused, the statement of the accused u/sec. 313 Cr.PC is dispensed with.

4. I have heard the arguments from both the sides .

5. The following points that arise for my consideration are:

1) Whether the prosecution proves beyond all reasonable doubt that on 21/01/2013 at about 7 p.m. opposite to Gurumahal Building, situated at A.K. Colony, within the jurisdiction of Gangammanagudi P.S., accused-1 to 9 have committed the offences punishable U/sec. 143, 147, 504, 323, 354, 506, 419 r/w 149 of IPC. ?

2) What order?

6. My finding on the above points are as under:

Point No.1 In the negative Point No.2 As per final order for the following:

REASONS

7. Point No.1:-

In order to bring home the guilt of accused, the prosecution has examined PWs.1 to 3. PW.1 to 3 have turned hostile in toto to the case of the prosecution. PW.1, who being the complainant in his deposed that CW.4 and 5 are his mother and brother and CW.6 is his sister-in-law, who is not able to come and depose before the court as she is not in station. PW.1 further deposed accused have not abused them in filthy language, not assaulted with hands, not tried to outrage the modesty of CW.4. PW.1 further deposed accused have not put life threat to them and not committed any impersonation by forming unlawful assembly. PW.1 further deposed that he has not given complaint before the police as per Ex.P1 and police have not drawn mahazar as per Ex.P2. PW.2 and 3 being the mother and brother of CW.1 have deposed in consonance with the evidence of PW.1.

8. Even in the cross-examination by learned Sr.APP, PW.1 to 3 have not supported the case of the prosecution. In the cross- examination PW.1 has specifically denied for having given complaint and police have drawn mahazar. PW.2 and 3 have denied that they have given statements before the police as per Ex.P3 and 4. This being the evidence of PW.1 to 3, it is fatal to the case of the prosecution.

9. Even though learned Sr.APP prayed for issuance of summons to other witnesses. As PW.1 to 3 being the material witnesses/ aggrieved persons have not supported the case of the prosecution, mere issuance of summons to other witnesses and examination of those witnesses would not serve the purpose of the prosecution and hence prayer of learned Sr.APP is rejected.

10. In the absence of cogent, corroborative and material evidence, it is not safe to come to conclusion that prosecution has proved the allegations against the accused beyond all reasonable

doubt. Therefore, I answer point no.1 in the negative.

11. Point No.2:- In the result, I proceed to pass the following:

ORDER Acting under Section 248 (1) of Cr.P.C., accused-1 to 9 are hereby acquitted of the offences punishable U/sec. 143, 147, 504, 323, 354, 506, 419 r/w 149 of IPC.

Bail bonds of accused and their surety bonds stand cancelled.

(Dictated to the stenographer, transcript thereof, corrected and then pronounced by me in the open court this the 6th day of January 2016.) (D. Puttaswamy) VIII Addl.C.M.M. Bengaluru.

Annexure:

1.List of Witnesses examined on behalf of the prosecution: P. Ws:

8. Kempa Muttaiah

9. Puttamma

10. Krishna.

2.List of Documents marked on behalf of the prosecution:- Ex.Ps:

12. Complaint.

13. Mahazar

14. Statement of PW.2

15. Statement of PW.3.

3.List of Material objects marked on behalf of the prosecution:-

- NIL -

4.List of witnesses and documents marked on behalf of the accused: -NIL -

VIII Addl. C. M. M. Bangalore.

IN THE COURT OF THE VIII ADDL. C.M.M.,BANGALORE.

Dated this the 4th day of January 2016. Present : Sri.D. Puttaswamy, B.A., LL.B. VIII ADDL. C.M.M., BANGALORE. C.C. NO. 18495/2008 JUDGMENT U/S 355 OF THE Cr.P.C. 1973. .75 Sl. No. of the Case 18495/2008

58.The date of 16/02/2008 commission of the offence

59.Name of the State by High Grounds P.S. complainant

60.Name of the accused 1.S. Jagannath, S/o. S.S. Rao, Aged about 48 years. No.1056, C- Cross, Yeshwanthpur, Bengaluru.

2. Madhu. A.N., (proceedings stopped) FH

61.The offence U/sec.143, 148, 427 r/w 149 of complained of or IPC.

proved

62.Plea of the accused Pleaded not guilty and his examination

63.Final Order Acting U/sec. 248(1) Cr.PC Accused -1 is acquitted.

64.Date of such order 04/01/2016 For the following:-

JUDGMENT This is the charge sheet filed by the PSI of High Grounds P.S. against the accused-1 and 2 for the offences punishable U/sec.143,148, 427 r/w 149 of IPC.

2. The brief facts of the prosecution case are that:

On 16/2/2008 at about 10.30 p.m. accused-1 along with accused-2 and with 300 to 400 workers formed an unlawful assembly in prosecution of common object at No.7, belonging to Smt. Kamalabai Education Trust situated at Cannught road, within the jurisdiction of High Grounds P.S., committed rioting armed with deadly weapons, came to the said spot in 6 lorries with JCB Machine and in the above said transaction, accused have demolished the compound wall of the said education trust, thereby caused loss of Rs.2 lakhs, thus committed mischief and thereby committed the alleged offences.

3. The accused-1 is on bail. Proceedings against the accused-2 is stopped. As required u/sec. 207 of Cr.PC., the copies of the charge sheet documents are furnished to the accused-1. The accused-1 on framing the charges, denied the charges and thereupon the prosecution is directed to lead the evidence. Despite having given sufficient opportunity, the prosecution has failed to produce the witnesses and as such the evidence on the side of the prosecution is taken as nil. Since there is no evidence on the part of the prosecution, the statement of the accused-1 is dispensed with.

4. I have heard the arguments.

5. The following points arise for my consideration:

1) Whether the prosecution proves beyond all reasonable doubt that on 16/2/2008 at about 10.30 p.m. accused-1 along with accused-2 and with 300 to 400 workers formed an unlawful assembly in prosecution of common object at No.7, belonging to Smt. Kamalabai Education Trust situated at Cannaught road, within the jurisdiction of High Grounds P.S., committed rioting armed with deadly weapons, came to the said spot in 6 lorries with JCB Machine and in the above said transaction, accused have demolished the compound wall of the said education trust, thereby caused loss of Rs.2 lakhs, thus committed mischief and thereby committed the offences punishable U/sec.143,148, 427 r/w 149 of IPC.?

2) What Order?

6. My finding on the above points are as under:

Point No.1: In the Negative.

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

REASONS

7. Point No.1:-

In order to bring home the guilt of accused, the prosecution has not examined any witnesses. Despite having issued process many times to the witnesses, they have not been secured as not available. The prosecution witnesses did not appear before the court and ultimately the evidence on the side of the prosecution taken as nil. There is no evidence on the part of the prosecution to any extent against the accused. In the absence of any evidence against the accused, the accused cannot be held liable for the alleged offences. Hence, I answer point No.1 in the negative.

8. Point No.2:- For the reasons discussed herein above, I proceed to pass the following:

ORDER Acting under Section 248 (1) of Cr.P.C., the accused-1 is hereby acquitted of the offences punishable U/sec.143,148, 427 r/w 149 of IPC.

Bail bond of accused-1 and his surety bond stands cancelled.

(Dictated to the stenographer, transcript thereof, corrected and then pronounced by me in the open court this the 4th day of January 2016.) (D. Puttaswamy) VIII Addl.C.M.M. Bangalore.

Annexure:

1. List of Witnesses examined on behalf of the prosecution: Nil.

2. List of Documents marked on behalf of the prosecution: - Nil.

3. List of Material objects marked on behalf of the prosecution: -

Nil.

4. List of witnesses and documents marked on behalf of the accused: Nil.

VIII ADDL.C.M.M.BANGALORE.

IN THE COURT OF THE VIII ADDL. C.M.M., BENGALURU.

Dated this the 2nd day of January 2016. Present : Sri.D. Puttaswamy, B.A., LL.B. VIII ADDL. C.M.M., BENGALURU. C.C. NO. 6268 of 2015 JUDGMENT U/S 355 OF THE Cr.P.C. 1973. .56 Sl. No. of the Case 6268/2015

66. The date of 16/12/2008 commission of the offence

67. Name of the State by Chandra Layout P.S. complainant

68. Name of the accused Shambulinga Ratagal, S/o.Ambharayappa, 33 years, Yarabagh Village, Basavakalyana Taluk, Bidar Dist.

69. The offence U/sec. 498(A) of IPC. complained of or Ow proved

70. Plea of the accused Pleaded not guilty and his examination

71. Final Order Acting U/sec. 248(1) Cr.PC Accused is acquitted.

72. Date of such order 02/01/2016 For the following:-

JUDGMENT This is the charge sheet filed by the PSI, Chandra Layout P.S. against the accused for the offence punishable U/sec.

498(A) of IPC .

2. The brief facts of the prosecution case are that:

On 15/12/2008 accused married CW.1 at Sri. Venkata Ramana Swamy Temple, Bengaluru as per the customs prevailed in their community and after 2 years picked

up quarrel with CW.1 without any reason and ill- treated CW.1 with cruelty both physically and mentally and thereby committed the alleged offence.

3. Accused is on bail. As required u/sec.207 of Cr.PC, the copies of the charge sheet papers were furnished to the accused.

The accused on framing the charges, denied the charges and thereupon the prosecution was directed to lead the evidence on its side to prove the allegations. As such the prosecution examined PW:1 and got marked Ex.P.1 to P5. On closure of the prosecution evidence, as there was no incriminating evidence against the accused, the statement of the accused u/sec. 313 Cr.PC is dispensed with.

4. I have heard the arguments from both the sides .

5. The following points that arise for my consideration are:

- i. Whether the prosecution proves beyond all reasonable doubt that on 15/12/2008 accused married CW.1 at Sri. Venkata Ramana Swamy Temple, Bengaluru as per the customs prevailed in their community and after 2 years picked up quarrel with CW.1 without any reason and ill-treated CW.1 with cruelty both physically and mentally and thereby committed the offence punishable U/sec. 498(A) of IPC.?
- ii. What order?

6. My finding on the above points are held as under:

Point No.1 In the negative Point No.2 As per final order for the following:

REASONS

7. Point No.1:-

In order to bring home the guilt of accused, the prosecution has examined PW.1. PW.1 has turned hostile in toto to the case of the prosecution. PW.1, who being the complainant has deposed that the accused is her husband, after the marriage of 2

years, accused has not harassed her either mentally or physically. PW.1 further deposed that she has not given complaint before the police as per Ex.P1 and police have not drawn mahazar as per Ex.P2.

8. Even in the cross-examination by learned Sr.APP, PW.1 has not supported the case of the prosecution. In the cross- examination PW.1 has specifically denied for having given complaint and police have drawn mahazar. PW.1 further denied that she has given further statement before the police as per Ex.P5. This being the evidence of PW.1, it is fatal to the case of the prosecution.

9. Even though learned Sr.APP prayed for issuance of summons to other witnesses. As PW1 being the material witness/ victim has not supported the case of the prosecution, mere issuance of summons to other witnesses and examination of those witnesses would not serve the purpose of the prosecution and hence prayer of learned Sr.APP is rejected.

10. In the absence of cogent, corroborative and material evidence, it is not safe to come to conclusion that prosecution has proved the allegations against the accused beyond all reasonable doubt. Therefore, I answer point no.1 in the negative.

11. Point No.2:- In the result, I proceed to pass the following:

ORDER Acting under Section 248 (1) of Cr.P.C., accused is hereby acquitted of the offence punishable U/sec. 498(A) of IPC.

Bail bond of accused and his surety bond stands cancelled.

Dictated to the stenographer, transcript thereof, corrected and then pronounced by me in the open court this the 2nd day of January 2016.) (D. Puttaswamy) VIII Addl.C.M.M. Bengaluru.

Annexure:

1.List of Witnesses examined on behalf of the prosecution: P. Ws:

11.Roopa Rani.

2.List of Documents marked on behalf of the prosecution:- Ex.Ps:

5. Complaint

6. Mahazar

7. Photo

8. Photo

9. Further Statement of PW.1

3.List of Material objects marked on behalf of the prosecution:-

- NIL -

4.List of witnesses and documents marked on behalf of the accused:- -NIL -

VIII Addl. C. M. M. Bangalore.

65 IN THE COURT OF THE VIII ADDL. C.M.M., BANGALORE.

Dated this the 2nd day of January 2016. Present : Sri.D. Puttaswamy, B.A., LL.B. VIII ADDL. C.M.M., BANGALORE. C.C. NO. 6341/2012 JUDGMENT U/S 355 OF THE Cr.P.C. 1973. .37 Sl. No. of the Case 6341/2012

74.The date of 14/12/2011 commission of the offence

75.Name of the State by Sanjay Nagar P.S. complainant

76.Name of the accused 1)Rajanna, S/o. Doddappaiah Aged about 50 years, No.3, Doddappaiah Layout, Nagashettyhalli, Bengaluru.

2) Narasimha, S/o. Boregowda, Aged about 37 years, No.3, Doddappaiah Layout, Nagashettyhalli, Bengaluru.

3) Ravi, S/o. Kantharaju, Aged about 34 years, No.4, Doddappaiah Layout, Nagashettyhalli, Bengaluru.

4) Ayyappa, S/o. Chinnathambi, Aged about years, No.4, Doddappaiah Layout, Nagashettyhalli, Bengaluru.

77.The offence complained of or proved	U/sec.447, 504, 427, 506(B) r/w 34 of IPC. FH
78.Plea of the accused and his examination	Pleaded not guilty
79.Final Order	Acting U/sec. 248(1) Cr.PC Accused-1 to 4 are acquitted.
80.Date of such order For the following:-	02/01/2016

JUDGMENT

This is the charge sheet filed by the PSI of Sanjay Nagar P.S. against the accused-1 to 4 for the offences punishable U/sec.447, 504, 427, 506(B) r/w 34 of IPC.

2. The brief facts of the prosecution case are that:

On 14/12/2011 at 7 a.m. accused-1 to 4 in furtherance of common intention to commit an offence, committed trespass in the compound of NTI society, which was constructed at the end of 1st main, NTI Extension, Nagashettyhalli, within the jurisdiction of Sanjaynagar P.S., accused no.1 abused C.W.2 to 6 in filthy language knowingly such insult will provoke breach of peace, damaged the stone compound of the NTI society thereby caused loss of Rs.1,00000/- thus committed mischief and threatened CW-2 to 6 with dire consequences by showing the club, thus committed criminal intimidation and thereby committed the alleged offences.

3. The accused-1 to 4 are on bail. As required u/sec. 207 of Cr.PC., the copies of the charge sheet documents are furnished to the accused. The accused on framing the charges, denied the charges and thereupon the prosecution is directed to lead the evidence. Despite having given sufficient opportunity, the prosecution has failed to produce the witnesses and as such the evidence on the side of the prosecution is taken as nil. Since there is no evidence on the part of the prosecution, the statement of the accused is dispensed with.

4. I have heard the arguments.

5. The following points arise for my consideration:

3) Whether the prosecution proves beyond all reasonable doubt that on 14/12/2011 at 7 a.m. accused-1 to 4 in furtherance of common intention to commit an offence, committed trespass in the compound of NTI society, which was constructed at the end of 1st main, NTI Extension, Nagashettyhalli, within the jurisdiction of Sanjaynagar P.S., accused no.1 abused C.W.2 to 6 in filthy language knowingly such insult will provoke breach of peace, damaged the stone compound of the NTI society thereby caused loss of Rs.1,00000/-

thus committed mischief and threatened CW-2 to 6 with dire consequences by showing the club, thus committed criminal intimidation and thereby committed the offences punishable U/sec.447, 504, 427, 506(B) r/w 34 of IPC.?

4) What Order?

6. My finding on the above points are as under:

Point No.1: In the Negative.

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

REASONS

7. Point No.1:-

In order to bring home the guilt of accused, the prosecution has not examined any witnesses. Despite having issued process many times to the witnesses, they have not been secured as not available. The prosecution witnesses did not appear before the court and ultimately the evidence on the side of the prosecution taken as nil. There is no evidence on the part of the prosecution to any extent against the accused. In the absence of any evidence against the accused, the accused cannot be held liable for the alleged offence. Hence, I answer point No.1 in the negative.

8. Point No.2:- For the reasons discussed herein above, I proceed to pass the following:

ORDER Acting under Section 248 (1) of Cr.P.C., accused-1 to 4 are hereby acquitted of the offences punishable U/sec.447, 504, 427, 506(B) r/w 34 of IPC.

Bail bonds of accused and their surety bonds stand cancelled.

(Dictated to the stenographer, transcript thereof, corrected and then pronounced by me in the open court this the 2nd day of January 2016.) (D. Puttaswamy) VIII Addl.C.M.M. Bangalore.

Annexure:

1.List of Witnesses examined on behalf of the prosecution:Nil.

2.List of Documents marked on behalf of the prosecution:-Nil.

3.List of Material objects marked on behalf of the prosecution:-

Nil.

4. List of witnesses and documents marked on behalf of the accused: Nil.

VIII ADDL.C.M.M.BANGALORE.

72 THE COURT OF THE VIII ADDL. C.M.M.,BANGALORE.

Dated this the 4th day of January 2016. Present: Sri.D. Puttaswamy, B.A., LL.B. VIII ADDL. C.M.M., BANGALORE. C.C.NO. 21019/2010 JUDGMENT U/S 355 OF THE Cr.P.C. 1973.

81. Sl. No. of the Case 21019/2010

82. The date of 09/02/2010 commission of the offence

83. Name of the State by Koramangala P.S. complainant

84. Name of the accused 1: Ramesh, S/o. Mani @ Sampangi, 25 years, No.421, I Floor, I D-Main, 8th Block, Koramangala, Bengaluru.

2: Mani @ Sampangi, S/o. late Ganesh, 47 years, No.421, I Floor, I D-Main, 8th Block, Koramangala, Bengaluru.

3: Smt.Malar, W/o.Mani @ Sampangi, 42 years, No.421, I Floor, I D-Main, 8th Block, Koramangala, Bengaluru.

85. The offence U/sec.342, 498(A), 506 r/w 34 of complained of or IPC.

proved PW1, 2 Evidence discarded PW.3 PSI formal Judgement passed by CCC Dissolved by a decree of divorce

86. Plea of the accused Pleaded not guilty and his examination

87. Final Order Acting U/sec. 248(1) Cr.PC Accused-1 to 3 are acquitted.

88. Date of such order 04/01/2016 For the following:-

JUDGMENT This is the charge sheet filed by the PI of Koramangala P.S. against the accused-1 to 3 for the offence punishable U/sec.342, 498(A), 506 r/w 34 of IPC.

2. The brief facts of the prosecution case are that:

Accused No.1 married CW.1 on 14.10.2009 as per Hindu Customs and all the accused on 09.02.2010 in furtherance of common intention ill-treated CW.1, wrongfully confined her in the bed room thereby caused cruelty both physically and mentally and threatened CW.1 with dire consequences thereby committed the alleged offences.

3. The accused-1 to 3 are on bail. As required u/sec. 207 of Cr.PC, the copies of the charge sheet papers were furnished to the accused. The accused on framing the charges, denied the charges and thereupon the prosecution was directed to lead the evidence on its side to prove the allegations. As such the prosecution examined PWs:1 to 3 and got marked Ex.P.1 to P5.

On closure of the evidence on the side of the prosecution, the statement of the accused u/sec. 313 Cr.PC came to be recorded. In defense, the accused have placed no evidence.

4. I have heard the arguments.

5. The following points arise for my consideration:

1) Whether the prosecution proves beyond all reasonable doubt that accused No.1 married CW.1 on 14.10.2009 as per Hindu Customs and all the accused on 09.02.2010 in furtherance of common

intention ill-treated CW.1, wrongfully confined her in the bed room thereby caused cruelty both physically and mentally and threatened CW.1 with dire consequences and thereby committed the

offences punishable U/sec.342, 498(A), 506 r/w 34 of IPC.?

2) What Order?

6. My findings on the above points are as under:

Point No.1: In the Negative.

Point No.2: As per final order.

for the following:

REASONS

7. Point No.1:-

In order to bring home the guilt of accused, the prosecution has examined PWs.1 to 3. PW.1, who being the complainant is now residing in abroad, PW.2 being the sister of CW.1 was not in station and their evidence is discarded as they have not tendered themselves for cross-examination and as such their evidence is not helpful to the case of prosecution. PW.3 being the WPC in her evidence deposed about apprehending of accused persons .

8. That apart common judgment passed by the Hon'ble Prl. Judge, Family Court, Bengaluru in M.C. No.1279/2010 C/W M.C. No. 3326/2010 discloses that the marriage solemnized between the complainant and accused - 1 on 14/10/2009 is dissolved by a decree of divorce u/sec.13(1)(ia) of Hindu Marriage Act.

9. It shows for the above said reason the PW.1 did not turn up for cross-examination including the PW.2 . This fact is fatal to the case of prosecution to prove the allegation made against the accused persons. So, the evidence of PW.3 is not sufficient to establish the guilt of accused persons and it becomes formal to the case.

10. In the absence of cogent, corroborative and material evidence of complainant, it is not safe to come to conclusion that prosecution has proved the allegations against the accused persons beyond all reasonable doubt. Therefore, I answer point no.1 in the negative.

11. Point No.2:- For the reasons discussed herein above, I proceed to pass the following:

ORDER Acting under Section 248 (1) of Cr.P.C., accused-1 to 3 are hereby acquitted of the offences punishable U/sec.342, 498(A), 506 r/w 34 of IPC.

Bail bonds of accused and their surety bonds stand cancelled.

(Dictated to the stenographer, transcript thereof, corrected and then pronounced by me in the open court this the 4th day of January 2016.) (D. Puttaswamy) VIII Addl. CMM Bangalore.

Annexure:

1.List of Witnesses examined on behalf of the prosecution:

PWs:

1. Divya Shetty

2. Smt. Akshatha Shetty

3. B.M. Hafeedunnisa.

2.List of Documents marked on behalf of the prosecution:- Ex.Ps:

1. Complaint

2. Spot Mahazar

3. Wedding Card

4. Marriage Photo

5. Marriage Registration Certificate.

3. List of Material objects marked on behalf of the prosecution:-

-Nil-

4. List of witnesses and documents marked on behalf of the accused: -Nil-

VIII ADDL.C.M.M.BANGALORE.

IN THE COURT OF THE VIII ADDL. C.M.M., BANGALORE.

Dated this the 7th day of January 2016. Present : Sri.D. Puttaswamy, B.A., LL.B. VIII ADDL. C.M.M., BANGALORE.

C.C. NO. 15825/2008 JUDGMENT U/S 355 OF THE Cr.P.C. 1973.

89. Sl. No. of the Case 15825/2008

90. The date of 04/05/2008 commission of the offence

91. Name of the State by Sanjay Nagar P.S. complainant

92. Name of the accused A1: S.Thilak Reddy, S/o. Muralidhar Reddy, 19 years, R/at: Kommalapoodi Ville, Malumol Mandala, Nelluru Dist, A .P. A3: Shivaprasad, S/o. Venkateshwararao, 24 years, No.6-1-300B, CBI Colony, Near Jain Temple, Kairathabad, Hyderabad. A.P.

93. The offence U/sec.419, 109, 468, 471, 120(B) complained of or of IPC.

proved

94. Plea of the accused Pleaded not guilty and his examination

95. Final Order Acting U/sec. 248(1) Cr.PC Accused-1 and 2 are acquitted.

96. Date of such order 07/01/2016.

For the following:-

JUDGMENT This is the charge sheet filed by the Sub-Inspector of Police, Sanjay Nagar P.S. against the accused-1 and 3 for the offences punishable U/sec.419, 109, 468, 471, 120(B) of IPC.

2. The brief facts of the prosecution case are that:

Accused-1 to 3 on 4.5.08 at M.S.Ramaiah Medical College with the dishonest intention accused-1 attended the exam of accused-2 with the support of accused-3 by attesting his photo to the Hall Ticket of accused-2 and thereby cheated the Government and also forged the seal of Hyderabad Chaitanya Junior College and thereby committed the alleged offences.

3. Accused-1 and 3 are on bail. As required u/sec. 207 of Cr.PC, the copies of the charge sheet papers were furnished to the accused-1 and 3. The accused-1 and 3 on framing the charges, denied the charges and thereupon the prosecution was directed to lead the evidence on its side to prove the allegations.

As such the prosecution examined PWs:1 and 2 and got marked Ex.P.1 to P9. On closure of the evidence on the side of the prosecution, the statements of the accused-1 and 3 u/sec. 313 Cr.PC came to be recorded. In defense, the accused-1 and 3 have placed no evidence.

4. I have heard the arguments from prosecution side and written arguments filed for the accused.

5. The following points that arise for my consideration are:

1) Whether the prosecution
proves beyond all reasonable
doubt that accused-1 to 3 on
4.5.08 at M.S.Ramaiah
Medical College with the

dishonest intention accused-1 attended the exam of accused-2 with the support of accused-3 by attesting his photo to the Hall Ticket of accused-2 and thereby cheated the Government and also forged the seal of Hyderabad Chaitanya Junior College and thereby committed the offences punishable U/sec.419, 109, 468, 471, 120(B) of IPC. ?

2) What order?

6. My finding on the above points are held as under:

Point No.1 In the Negative.

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

REASONS

7. Point No.1:-

Accused-1 to 3 are numbered as accused-1 and 2 for the sake of convenience. In the charge sheet one Abhi Mallesh is shown as accused-2 and he is absconding.

8. The case of the prosecution is that, the accused-1 with dishonest intention attended the examination of accused-2 with the support of accused-3 by attesting his photo to the Hall Ticket of accused-2 and thereby accused-1 to 3 have cheated the Government and also forged the seal of Hyderabad Chaitanya Junior College. In order to establish the guilt of accused, the prosecution has examined 2 witnesses as PWs.1 and 2 and got marked Ex.P1 to P9.

9. PW.1, who being the complainant has deposed in his evidence that one Dr. Alva gone to Sheshadripuram PU College and he questioned the candidates, the said Alva came to his chamber at Ramaiah Medical College along with Abhi Mallesh and one more person. Further, he has deposed that, Abhi Mallesh Application Form was handedover to the police and subsequently the other documents i.e., Ex.P2 to P9 were collected.

10. It is during the course of cross-examination PW.1 has admitted that, he has not visited the examination center and true candidates have to enter into examination hall on showing their Hall Tickets to the invigilators. It is further admitted by PW.1 that, Administrative Wing will send the Hall Tickets, who are eligible for the examination and those Hall Tickets will be sent through post. The booklet containing the original Hall Tickets will be sent to the invigilators and they have to counter check with regard to description of the candidates.

11. PW.1 further admitted that, he has not mentioned with regard to visit of Dr. Alva to Sheshadripuram PU College and also his visit to his chamber in his complaint. He has further admitted that, he has no personal knowledge about Ex.P2 to P9. So, the evidence of PW1 is based on the visit of Dr. Alva to the examination center and is on the basis of information of Dr. Alva.

12. It is to be noted that, Dr. Alva is not the charge sheet witness nor he has been examined citing as witness to strengthen the evidence of PW.1. Moreover, PW.2, who is spot mahazar witness has turned hostile to the case of the prosecution. It is relevant to note here that, no expert opinion is forthcoming with respect to the proof of alleged forgery. The other witnesses including the Investigating Officer did not appear before the court to give evidence though process has been issued many times.

13. On perusal of evidence on record, it appears that, PW.1 evidence is insufficient to hold the accused guilty. That apart seizure of documents i.e., Ex.P2 to P9 from the possession of accused persons has not been proved by examining competent witnesses. As such the benefit of doubt goes in favour of accused persons. So, I am of the opinion that, the prosecution has not established the guilt of accused persons beyond all reasonable doubt with cogent and corroborative evidence. Therefore, I answer point no.1 in the negative.

14. Point No.2:- For the reasons discussed herein above, I proceed to pass the following:

ORDER Acting under Section 248 (1) of Cr.P.C., accused-1 and 2 are hereby acquitted of the offences U/sec.419, 109, 468, 471, 120(B) of IPC.

Bail bonds of accused-1 and 2 and their surety bonds stand cancelled.

(Dictated to the stenographer, transcript thereof, corrected and then pronounced by th me in the open court this the 7 day of January 2016.) (D. Puttaswamy) VIII Addl.C.M.M. Bangalore.

Annexure:

1.List of Witnesses examined on behalf of the prosecution: P. Ws:

12. Dr. A.C. Ashok

13. H.Krishna.

2.List of Documents marked on behalf of the prosecution:- Ex.Ps:

16. Complaint

17. Copy of COMED-K UG Test-2008

18. Copy of COMED-K DOB ID Proof

19. Application form for COMED-K UG Test-2008

20. Application form for COMED-K year 2008-09

21. COMED-K UG Test-2008

22. OMR Answer Sheet-2008

23. OMR Answer Sheet-2008

24. Question Booklet "C" Version.

3.List of Material objects marked on behalf of the prosecution:-

-NIL -

4.List of witnesses and documents marked on behalf of the accused: -NIL -

VIII Addl. C. M. M. Bangalore.

88 IN THE COURT OF THE VIII ADDL. C.M.M., BENGALURU.

Dated this the 2nd day of February 2015.

Present : Sri.D. Puttaswamy, B.A., LL.B. VIII ADDL. C.M.M., BENGALURU. C.C. NO. 20903/2012
JUDGMENT U/S 355 OF THE Cr.P.C. 1973. .79 Sl. No. of the Case 20903/2012

98. The date of 05/09/2012 commission of the offence

99. Name of the State by RT Nagar P.S. complainant

100. Name of the 1. Abidh Hussain, accused S/o. late Kuruban Hussain, 4th Cross, 5th Main, Vasanthappa Block, Ganganagar, RT Nagar, Bengaluru.

101. The offence U/sec. 341, 323, 504, 506 of IPC. complained of or own proved

102. Plea of the accused Pleaded not guilty and his examination

103. Final Order Acting U/sec. 248(1) Cr.PC Accused is acquitted.

104. Date of such order 02/02/2015 For the following:-

JUDGMENT This is the charge sheet filed by the PSI of RT Nagar P.S. against the accused for the offences punishable U/sec. 341, 323, 504, 506 of IPC.

2. The brief facts of the prosecution case are that:

On 5/9/2012 at about 1 p.m. accused in front of Chetan Engineering Works, situated at Ganganagar, 10th Cross, Pillappa Block, which is situated within jurisdiction of R.T. Nagar P.S., with previous enmity picked up quarrel with CW.1, wrongfully restrained him, assaulted CW.1 with his hands thus voluntarily caused hurt, abused CW.1 in filthy language knowingly such insult will provoke breach of peace and threatened CW.1 with dire consequences thus committed criminal intimidation and thereby committed the alleged offences.

3. Accused is on bail. As required u/sec. 207 of Cr.PC, the copies of the charge sheet papers were furnished to the accused.

The accused on framing the charges, denied the charges and thereupon the prosecution was directed to lead the evidence on its side to prove the allegations. As such the prosecution examined PW:1 and got marked Ex.P.1 and 2. On closure of the prosecution evidence, as there was no incriminating evidence against the accused, the statement of the accused u/sec. 313 Cr.PC is dispensed with.

4. I have heard the arguments from both the sides .

5. The following points that arise for my consideration are:

2) Whether the prosecution proves beyond all reasonable doubt that on 5/9/2012 at about 1 p.m., in front of Chetan Engineering Works, situated at Ganganagar, 10th Cross, Pillappa Block, which is situated within jurisdiction of R.T. Nagar P.S., accused has committed the offences punishable U/sec.341, 323, 504, 506 of IPC.?

3) What order?

6. My finding on the above points are held as under:

Point No.1 In the negative Point No.2 As per final order for the following:

REASONS

7. Point No.1:-

In order to bring home the guilt of accused, the prosecution has examined PW.1. PW.1 has turned hostile in toto to the case of the prosecution. PW.1, who being the complainant in his evidence he has deposed that, accused has not wrongfully restrained him, not assaulted him with hands, not abused in filthy language and not given life threat. PW.1 further deposed that he has not given complaint before the police as per Ex.P1 and police have not drawn mahazar as per Ex.P2.

8. Even in the cross-examination by learned Sr.APP, PW.1 has not supported the case of the prosecution. In the cross-examination PW.1 has specifically denied for having given complaint and police have drawn mahazar. This being the evidence of PW.1, it is fatal to the case of the prosecution.

9. Even though learned Sr.APP prayed for issuance of summons to other witnesses. As PW.1 being the material witness/victim has not supported the case of the prosecution, mere issuance of summons to other witnesses and examination of those witnesses would not serve the purpose of the prosecution and hence prayer of learned Sr.APP is rejected.

10. In the absence of cogent, corroborative and material evidence, it is not safe to come to conclusion that prosecution has proved the allegations against the accused beyond all reasonable doubt. Therefore, I answer point no.1 in the negative.

11. Point No.2:- In the result, I proceed to pass the following:

ORDER Acting under Section-248(1) of Cr.P.C., the accused is hereby acquitted of the offences punishable U/sec.341, 323, 504, 506 of IPC.

Bail bond of accused and his surety bond stands cancelled.

(Dictated to the stenographer, transcript thereof, corrected and then pronounced by me in the open court this the 12th day of January 2016.) (D. Puttaswamy) VIII Addl.C.M.M. Bengaluru.

Annexure:

1.List of Witnesses examined on behalf of the prosecution: P. Ws:

14. Madsoosd Pasha.

2.List of Documents marked on behalf of the prosecution:- Ex.Ps:

25. Complaint

26. Mahazar.

3.List of Material objects marked on behalf of the prosecution:-

-NIL-

4.List of witnesses and documents marked on behalf of the accused:- - NIL -

VIII Addl. C. M. M. Bangalore.

IN THE COURT OF THE VIII ADDL. C.M.M., BENGALURU.

Dated this the 20th day of January 2016. Present : Sri.D. Puttaswamy, B.A., LL.B. VIII ADDL. C.M.M., BENGALURU. C.C. NO. 1655/2013 JUDGMENT U/S 355 OF THE Cr.P.C. 1973.

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.	Sl. No. of the Case 1655-2013
106.	The date of commission of the offence 12/11/2012
107.	Name of the complainant State by R.T. Nagar P.S.
108.	Name of the accused Sai Krishna Reddy @ Sai S/o. Ramana Reddy, 20 years, No.3, II Main, II Cross, Ganganagar, R.T. Nagar P.S., Bengaluru.
109.	The offence complained of or proved U/sec. 393 of IPC. Pw.1 c: hth no witnesses are

examined pw. 1 not identified the accused or at the spot

110. Plea of the accused Pleaded not guilty and his examination

111. Final Order Acting U/sec. 248(1) Cr.PC Accused is acquitted.

112. Date of such order 20/01/2016 For the following:-

JUDGMENT This is the charge sheet filed by the Police Inspector of R.T. Nagar Police station against the accused for the offence punishable U/sec.393 of IPC.

2. The brief facts of the prosecution case are that:

On 12/11/2012 at about 2.50 p.m. in front of House No.21/5, situated at KHM Block, 3rd Main Road, within the jurisdiction of R.T. Nagar Police station, accused made an attempt to snatch the golden Mangalya chain from the neck of CW.1 and thereby committed the alleged offence.

3. Accused is on bail. As required u/sec.207 of Cr.PC, the copies of the charge sheet papers were furnished to the accused.

The accused on framing the charge, denied the charge and thereupon the prosecution was directed to lead the evidence on its side to prove the allegations. As such the prosecution examined PW:1 and got marked Ex.P.1 and 2. On closure of the prosecution evidence, as there was no incriminating evidence against the accused, the statement of the accused u/sec.313 Cr.PC is dispensed with.

4. I have heard the arguments from both the sides .

5. The following points that arise for my consideration are:

3) Whether the prosecution proves beyond all reasonable doubt that on 12/11/2012 at about 2.50 p.m. in front of House No.21/5, situated at KHM Block, 3rd Main Road, within the jurisdiction of R.T. Nagar Police station, accused made an attempt to snatch the golden Mangalya chain from the neck of CW.1 and thereby committed an offence punishable U/sec.393 of IPC. ?

4) What order?

6. My finding on the above points are held as under:

Point No.1 In the Negative Point No.2 As per final order for the following:

REASONS

7. Point No.1:-

In order to bring home the guilt of accused, the prosecution has examined PW.1. PW.1 has turned hostile in toto to the case of the prosecution. PW.1, who being the complainant in her evidence deposed that, she doesn't know the accused and the accused has not attempted to snatch her gold mangalya chain. PW.1 further deposed she has not given complaint before the police as per Ex.P1 and Police have not drawn mahazar as per Ex.P.2.

8. It is to be noted that, when the complainant has not supported the case of prosecution, other witnesses are dropped by rejecting the prayer of learned Sr.APP. The complainant has not identified the accused even at the spot or in the police station. That apart, there is no evidence by the complainant to connect the accused with the alleged incident. As such, there is no incriminating evidence against the accused. In the absence of cogent and material evidence, it cannot be said that the accused has committed the alleged offence. Therefore, I answer point no.1 in the negative.

9. Point No.2:- In the result, I proceed to pass the following:

ORDER Acting under Section-248(1) of Cr.P.C., the accused is hereby acquitted of the offence punishable U/sec.393 of IPC.

Bail bond of accused and his surety bond stands cancelled.

(Dictated to the stenographer, transcript thereof, corrected and then pronounced by me in the open court this the 20th day of January 2016.) (D. Puttaswamy) VIII Addl.C.M.M. Bengaluru.

Annexure:

1.List of Witnesses examined on behalf of the prosecution: P. Ws:

15. Vimala Rani.

2.List of Documents marked on behalf of the prosecution:- Ex.Ps:

27. Complaint

28. Mahazar.

3.List of Material objects marked on behalf of the prosecution:-

-NIL-

4. List of witnesses and documents marked on behalf of the accused:- - NIL -

101 VIII Addl. C. M. M. Bangalore.

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