

Sri. Y. A. Shiva Kumar vs In 1. State By Subramanyapura Village on 12 March, 2021

IN THE COURT OF THE LXIII ADDL.CITY CIVIL &
SESSIONS JUDGE (CCH-64) AT BENGALURU.

Dated this Friday the 12th day of March 2021

P R E S E N T :- Sri. B.VENKATESHA B.Sc., LL.B.,
LXIII ADDL.CITY CIVIL & SESSIONS
JUDGE, BENGALURU CITY.

Crl.A. No's.1377/2015 & 1316/2016

Appellant/
Complainant in : Sri. Y. A. Shiva Kumar,
Crl.A.1377/2015 S/o Late Y.S. Adinarayana Setty,
Aged about 57 years,
No.50, 40th Cross, 8th Block,
Jayanagar,
Bengaluru -560 070.

(By Sri. S. Mahesh, Adv.,)

Appellant/
Complainant in : State by
Crl.A.1316/2016 Subramanyapura Police Station,
Bangalore.
(Rep. By Public Prosecutor)

-V/s-

Respondents in 1. State by Subramanyapura Village
Crl.A.1377/2015 : Police Station, Bangalore.

(Rep. By Public Prosecutor)

2. Sri. Venkatesh,
S/o late Munivenkatappa,
Aged about 45 years,
5th Cross, Appaiah Swamy Colony,
Uttarahalli, Bengaluru.
(By Smt. S.B.Lakshmi, Adv.,)

Respondents in Sri. Venkatesh,
Crl.A.1316/2016 : S/o late Munivenkatappa,
Aged about 45 years,

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Crl.A.1377/2015

5th Cross, Appaiah Swamy Colony,
Uttarahalli, Bengaluru.
(By Smt. S.B.Lakshmi, Adv.,)

JUDGMENT

The State/complainant police have filed Crl.A.1316/2016 U/Sec.378(1)(a) of Cr.P.C. and that Crl.A.1377/2015 is filed by the complainant Sri.Y.A.Shiva Kumar U/Sec.372 of Cr.P.C challenging the judgment and sentence order passed in C.C. No. 23383/2011 dated 15.10.2015 on the file of court of I ACMM, Bengaluru. The 1st respondent of Crl.A.1377/2015 is the appellant of Crl.A.1316/2016 and that 2nd respondent of Crl.A.1377/2015 and respondent of Crl.A.1316/2016 is the accused before the trial court. Therefore, for the sake of convenience, the parties to this appeal are herein afterwards referred with their ranks before the trial Court for convenience. Both appeals are clubbed for common disposal.

2. The brief facts are that, based on the complaint of the complainant Sri.Y.A.Shiva Kumar, the complainant police have filed charge sheet against the accused for the offences punishable U/Secs.465, 468, 471, 474 and 447 of IPC alleging that, the land bearing Sy.No.46 of Uttarahalli Village, Bangalore South Taluk is belonged to the complainant Sri.Y.A.Shivakumar. The accused has created documents stating that his father Sri. Munivenkatappa has purchased Crl.A.1377/2015 site measuring 120 x 80 ft in the said Sy.No on 07.03.1984 from Sri.Adinarayana Setty the father of the complainant for Rs.50,000/-. After investigation, the complainant police have opined that the accused has created GPA and has committed the alleged offences. Therefore, the complainant police alleged that the accused has committed the offences punishable U/Secs.465, 468, 471, 474 and 447 of IPC.

3. On service of summons, the accused has put his appearance before the trial court. He was enlarged on bail. After hearing the arguments, the trial court has framed charges against the accused for the offences punishable U/Secs.465, 468, 471, 474 and 447 of IPC. The accused has pleaded not guilty of the said offences charged. Therefore, the prosecution got examined 8 witnesses as PW's.1 to P.8 and that it has got admitted 13 documents as Ex's.P.1 to P.13 and closed its side of evidence. At the time of recording statement U/s. 313 of Cr.P.C, the accused has denied the incriminating circumstances that appeared against him as false. He himself got examined as DW1 and that he got admitted 18 documents as Ex.D.1 to Ex.D.18 and closed his side evidence.

4. After consideration of the charge sheet, charges framed, evidence of both sides placed before the Court and after hearing arguments of both sides, by means of impugned judgment and sentence order dated 15.10.2015 Crl.A.1377/2015 the trial court has acquitted the accused of the offences punishable U/Secs.465, 468, 471, 474 and 447 of IPC.

5. Being aggrieved by the impugned judgment and acquittal order of the trial court, the complainant police have preferred appeal in Crl.A.No.1316/2016 contending that, though it is found that signatures of Adinarayana Setty made in Ex.P.1 are fake signatures, the Trial Court has erred in believing the said fact. PW's.1 and 2 in their oral evidence have specifically deposed that accused has forged the signatures of father of the complainant and has created the GPA. But, the trial court disbelieved the said evidence. The trial court has ignored the report of handwriting expert. Though there is believable evidence to opine that Ex's.P.4 and P.5 are forged documents, the trial court has ignored it and has acquitted the accused. Therefore, the impugned judgment and acquittal order is

not sustainable either in law or on facts. The accused has committed the alleged offences. Therefore, the complainant police have sought to set-aside the impugned judgment and sentence order of the trial court. The complainant police have sought to conviction of the accused for the aforesaid offences. Along with the appeal filed in Crl.A.1316/2016, the complainant police have filed I.A. U/Sec.5 of the Limitation Act for condonation of delay of 210 days in preferring the appeal in Crl.A.1316/2016 on the ground that there was such delay in Crl.A.1377/2015 filing this appeal because time taken to obtain consent from the District Magistrate to prefer this appeal.

6. The complainant Sri.Y.S. Shiva Kumar has filed appeal in Crl.A.No.1377/2015 U/Sec.372 of Cr.P.C, contending that the impugned judgment and order of the trial court in acquitting the accused is illegal, erroneous, contrary to law and materials on record. The trial court has committed serious error in holding that the accused was residing in the said premises since long and he has not committed any offence. The learned Magistrate has erred in acquitting the accused on the ground that the prosecution has not examined the notary public Vishweshwar Ra, attesting witnesses Malur Muniyappa and Hanumappa of forged documents that marked as Ex's.P.4 and P.5. The learned Magistrate has not considered the evidence of PW's.1 to 4 in a proper manner who have identified the signatures found in Ex's.P.4 and P.5 and has confirmed that the same does not belong to the Adinarayana Shetty, the father of the complainant. It is clear that the said signatures are forged signatures and that the said documents are forged documents. The trial court has erred in holding that the validity of Ex's.P.4 and P.5 has to be contested in a Civil Court. The trial court has erred in acquitting the accused. The trial court ought to have convicted the accused based on the report marked at Ex.P.13. The accused has not seriously disputed the FSL report in any manner. Only on the Crl.A.1377/2015 ground that CW.10, the hand writing expert is not examined, the trial court has acquitted the accused. It is an erroneous ground as CW.10 has expired and could not have rendered evidence as regards FSL. Among other grounds as urged in memorandum of appeal, the complainant has sought to set-aside the impugned judgment and acquittal order of the trial court. He has sought to convict the accused for the afore said offences.

7. After service of notice of both these appeals, the accused has put his appearance through his counsel before this Court. The trial court record has been secured. Heard the arguments of both sides. The learned Public Prosecutor and the learned counsel for the complainant has submitted their side of arguments by way of reiterating almost all the facts as averred in the memorandum of appeal. The learned counsel appeared for the accused has contended that the trial court has rightly appreciated the evidence placed before it. No grounds to interfere with the findings of the trial court. Therefore, she has sought for dismissal of the aforesaid appeals.

8. Perused the memorandum of appeals, charges framed, evidence placed before the Court, impugned judgment and acquittal order of the Trial Court.

9. The points that arise for my consideration are as under:

Crl.A.1377/2015

1. Whether the complainant police have made out a sufficient cause to condone the delay in filing this appeal ?
2. Whether the trial court has erred in properly appreciating the evidence placed before it in a proper way and that it has erred in acquitting the accused for the aforesaid offences ?
3. Whether the impugned judgment and acquittal order warrants interference by this Court?
4. What Order?

10. My answer to the above points are as under:

Point No.1 :- As in the Affirmative, Point No.2 :- As in the Negative, Point No.3 :- As in the Negative, Point No.4 :- As per the final order, for the following:

REASONS

11. Point No.1: In the affidavit filed in support of the application, the complainant police have contended that time was taken to obtain the concern from the district Magistrate to prefer this appeal. Therefore, there was such delay in filing this appeal. The complainant police have contended that the delay is not intentional, but for bonafide reasons. The accused has not seriously objected the application filed under Sec.5 of the Limitation Act. He has not filed his objections. Grounds urged appears to be reasonable one. Therefore, it is clear that there is sufficient Crl.A.1377/2015 cause to condone the delay in filing this appeal. Therefore, I answer Point No.1 as in the Affirmative.

12. Point No.2 & 3 :- The main contention of the prosecution and the complainant is that there is expert report showing that the signature of the father of the complainant are fake. The CW-10 the expert who issued the report marked as Ex P-3 died long back. But, the trial court has acquitted the accused on the ground that the notary public, attesting witnesses and scientific officer who had issued FSL report are not examined. The aforesaid case has been registered on 17.05.2010 at 12.30 p.m in Cr.No.264/2010 based on the complaint submitted as per Ex.P.1. Ex.P.1 dated 12.05.2010 discloses that Sy.No.46 of Uttarahalli Village, Bangalore South Taluk, is belonged to the complainant Y.S.Shiva Kumar. He has constructed 6 rooms in a portion of the said property and doing agricultural work. The father of the accused late Sri.Munivenkatappa was worked in Sri Krishna Spinning and Weaving Mills Pvt. Ltd., at Subramanyapura, Bangalore. Thereafter, he was worked in the agricultural property for a short period in the year 1996 onwards. At that time, his father was permitted him to stay in two houses measuring 15 x 15 ft each situated in the portion of Sy.No.46 of Uttarahalli Village. Thereafter, he stopped working due to his old age and ill health, but continued to stay there. Later he died few years back. Thereafter, his sons Venkatesh and Crl.A.1377/2015 Ramanjaneya requested the complainant to permit them to continue to stay in the said house for some more time. When the complainant has demanded them to vacate, the accused started to do illegal acts. One Krishna Murthy is a writer to their firm. He has given complaint to the

police on 12.04.2010. Thereafter, the police called the accused on the basis of said complaint. At that time, he informed that the father of the complainant Sri.Adinarayana Shetty had executed power of attorney and given affidavit in favour of his father by selling the property for Rs.50,000/- and had given the alleged copies of power of attorney and affidavit. One Sri.Nagappa Miraggi applied for certified copies of the documents produced by the accused under Right to Information Act. On verification, complainant found that the power of attorney and affidavit furnished to the complainant police by the accused are fabricated and forged documents. The signatures found are not that of his father's signature. To his knowledge, complainant's father had never gone before Notary Sri.B.Visweswara Rao on 07.03.1984 nor have executed any power of attorney and sworn to the affidavit that he has sold the property. His father has not received Rs.50,000/- towards sale consideration from Sri.Munivenkatappa, the father of the accused. The father of the accused has no capacity to pay Rs.50,000/-. The accused along with notary public Sri.B.Visweswara Rao along with two witnesses namely Crl.A.1377/2015 Sri.Malur Muniyappa and Hanumappa have criminally conspired to create a false documents with intent to cause damage and injury to the complainant. With the help of such forged documents, the accused and his brother are trying to trespass into the property of the complainant. Therefore, he has requested the complainant police to take suitable action against the accused.

13. Ex.P.3 is the attendance register extract of board meeting of M/s. Ramkumar Mills Limited, Bangalore. Ex.P.3(a) is the signature of Sri.Y.S.Adinarayana Setty, the father of the complainant. Ex.P.4 is the general power of attorney dated 07.03.1984. The same discloses that the father of the complainant Sri.Adinarayana Setty had executed the said power of attorney on 07.03.1984 in favour of Munivenkatappa, the father of the accused with respect of property measuring East to West 120 feet and North to 80 feet in land bearing Sy.No.46 of Uttarahalli Village, Bangalore South Taluk, bounded on the East by property of Appayyaswamy, West by remaining land in Sy.No.46, North by Road and property of Muniswamappa and South by remaining land in Sy.No.46. Ex.P.5 is the affidavit that discloses that the said Adinarayana Setty has sworn to an affidavit on 07.03.1984 in favour of said Munivenkatappa in respect of the property as shown in Ex.P.4 document. The complainant has contended that the signature made by Adinarayana Setty in the GPA and Ex.P.5 Crl.A.1377/2015 are not the signatures of his father Adinarayana Setty. Therefore, the complainant has contended that the accused has created the said documents in collusion with the attesting witnesses and notary Sri.Visweshwar Rao. Ex.P.6 letter dated 12.11.2010 written by Shivakumar A Yadalam discloses that he has forwarded the Ex.P.3 to the Inspector, City Crime Branch, Bangalore, for further action. Ex.P.7 letter dated 10.05.2011 of B.S.Srinivas, the Company Secretary discloses that he has addressed letter to the Inspector, City Crime Branch, Bangalore, about the documents marked at Ex.P.3. Ex.P.8 letter dated 27.11.2010 of the Secretary to the Government of Karnataka, Law department addressed to Sri.Uday Bhaskar, Police Inspector, Office of Assistant Commissioner of Police, CCB, N.T.Pet, Bangalore, discloses that Sri.B.Vishweshwara Rao, Notary, was died on 01.12.2003. Ex.P.9 proceedings of the Government of Karnataka dated 01.01.2004 discloses that Sri.B.Vishweswara Rao, Advocate, No.C,27, 1st Main Road, Nehru Nagar, Bangalore - 20 was appointed as Notary to Bangalore Metropolitan area from 31.05.89. Ex.P.10 letter of I.O and P.I., CCB, N.T.Pet, Bangalore, addressed to District Registrar, Basavanagudi District, Bengaluru, discloses that he has requested the District Registrar for issue of certified copies of S.V.L. No.25/85-86 dated 05.01.1985 and license holder's name and address who is authorized to sell the

stamp paper, date of last renewal and signature of CrI.A.1377/2015 S.Srinivas, stamp vendor. Ex.P.11 letter of District Registrar discloses that he has furnished the copies to the Sri.G.V.Uday Bhaskar, I.O & Police Inspector, N.T.Pet, Bangalore as requested in Ex.P.10 letter. It discloses that the name of the stamp vendor is S.Somashekar Rao, No.146, 8th Cross, N.B.Colony, Bengaluru-19 and that license was obtained on 26.07.1985. Name of the license holder bearing S.V.L.25/85-86 is not S.Srinivas. Ex.P.11(a) is the address of S.Somashekar Rao, stamp vendor and license holder No.SVL 25/85-86 dated 26.07.1985. Ex.P.11(b) is the address of stamp vendor S.Somashekar Rao. Ex.P.12 letter of A.C.P, discloses that Cr.No.264/2010 of Subramanyapura police station has handed over the case to Police Inspector, CCB, Bengaluru for investigation. Ex.P.13 F.S.L report discloses that GPA dated 07.03.1984 and the affidavit dated 07.03.1984 discloses that the person who wrote the red enclosed standard signatures stamped and marked S1 to S4 did not write the red enclosed questioned signatures similarly stamped and marked Q1 to Q5. Ex's.D.1 to D.6 are the photos of the accused. Ex's.D.7 and D.8 are news paper extract. Ex.D.9 is the complaint submitted against Krishnamurthy by the accused in respect of GPA dated 07.03.1984. Ex.D.10 is the letter addressed to Addl., Director General of Police, by the accused against the complaint in respect of land bearing Sy.No.46. Ex.D.11 is similar letter address to the Human CrI.A.1377/2015 Rights Commission by the accused. Ex.D.12 is another letter addressed to Police Inspector, by the accused in respect of said land. Ex's.D.13 to D.16 are the photos of the house constructed in the land bearing Sy.No.46. Ex.D.17 is the certified copy of the order sheet filed in O.S.No.2759/2010 discloses that the complainant has filed a suit for Declaration and Injunction against the accused and his brother and that it is pending for adjudication in respect of the very same land. Ex.D.18 is the written statement filed by the accused and his brother in O.S.2759/2010.

14. The trial court has opined that whether the evidence on record is sufficient to bring home the guilt of the accused. The case of the prosecution is suffering from fundamental infirmities and it is not safe to accept it. The trial court has not made Sri.Visweshwara Rao, the notary public and the witnesses Malur Muniyappa and Hanumappa as witnesses in this case. CW.10 Scientific Officer who gave FSL report is not examined. Therefore, the trial court has opined that it is not safe to base conviction only the basis of evidence suggested by interested witnesses. There is no evidence to prove that the accused has forged and fabricated the documents marked as Ex's.P.4 and P.5. the story of the prosecution is full of suspicion and cannot be believed. Therefore, the trial court has viewed that the prosecution has failed to establish the guilt of the accused. Hence, the trial court has acquitted the accused. With the CrI.A.1377/2015 background of view of the trial court and the contentions raised in the memorandum of appeals, the evidence placed before the court is scrutinized to know whether the trial court has erred in appreciating the evidence placed before it to conclude that the prosecution has failed to establish guilt of the accused beyond reasonable doubt.

15. It is pertinent to note that the Ex's.P.4 and P.5 documents are executed in the name of father of the accused on 07.03.1984 before Sri.B.Visweswara Rao, notary public, Bangalore - 29. It was shown that Malur Muniyappa and Hanumappa are witnesses to Ex's.P.4 and P.5 documents. Their addresses are not mentioned in the said documents. Stamp papers of Ex's.P.4 and P.5 documents are purchased on 07.03.1984 in the name of father of the complainant. The said documents are received by S.Srinivas, 'B' class stamp vendor S.V.L.No.25/85-86 dated 05.01.1985, BSK, Bangalore. But Ex's.P.11(a) and P.11(b) information provided by District Registrar, Basavanagudi, Bengaluru,

discloses that the license bearing No.SVL 25/85- 86 dated 26.07.1985 is renewed up to 31.03.1991 and that it stands in the name of S. Somashekar Rao, No.146, 8 th Cross, N.B.Colony, Bengaluru - 19. So, it is clear that doubt arises about the genuineness of stamp papers used for preparation of Ex's.P.4 and P.5 documents. As stated supra, the report marked at Ex.P.13 discloses that the person who wrote the signatures marked as S-1 to 4 on Ex.P.3 did not Crl.A.1377/2015 write the signatures marked as Q-1 to 5 on Ex's.P.4 and P.5 documents. So, it is clear that the signatures marked as Q-1 to 5 on Ex's.P.4 and 5 documents are not the signatures of the father of the complainant. Evidence of PW's.1 to 4 discloses that father of the accused was died in the year 1997 i.e., 13 years after 07.03.1984, the date of execution of Ex's.P.4 and P.5 documents.

16. In the complaint marked at Ex.P.1 at para 5, it was stated that on verification, I found that the power of attorney and affidavit furnished by the accused are fabricated and forged documents. The signatures found are not that of my father's signatures. In the oral evidence of PW.1 that recorded during the course of his chief examination, he has deposed his side of evidence by way of reiterating the facts as averred in the complaint marked at Ex.P.1 once again. He has deposed that the accused and his brother have created the Ex's.P.4 and P.5 documents by forging signatures of his father to grab the property. According to PW.1, the accused are in possession of the disputed land with his permission. PW.2 Anand Kumar during the course of his chief examination has deposed that he knows father of the accused and that he was worked in the textile mill of complainant and resided in the disputed land. The accused is residing in the said land after demise of his father. PW.3 Srinivas has deposed that he issued the Ex.P.3 document that bears signature of Adinarayana Crl.A.1377/2015 Shetty, the father of the complainant. He also has deposed that he wrote letter to I.O as per Ex.P.7. In the cross - examination, he admits that Ex.P.3 document is not a original and that it is a colour xerox document. He also has stated that he did not know that when the said document was taken out.

17. PW.4 Krishnamurthy also has deposed his evidence as deposed in the evidence of PW.2 Anand Kumar who is his son. Evidence of PW's.2 and 4 recorded in their cross examination discloses that the accused and his father are residing in the disputed land from 35 years. In their cross examination, the PW's.2 and 4 have specifically deposed that they did not know whether the accused has forged the Ex's.P.4 and P.5 documents. PW.5 P.Uday Shetty the Revenue Inspector, B.B.M.P, has deposed that he is unable to say whether the Ex.P.4 GPA is fake document or original document. Evidence of PW.6 Shakunthala.H.R, discloses that she has issued the Ex's.P.8 and P.9 documents to I.O. Her evidence further discloses that she does not know that when Sri.B.Visweshwara Rao was died. PW.7 K.Ramachandra has deposed about furnishing the documents marked as per Ex's.P.10 and P.11 to the I.O. He is not cross examined. Evidence of PW.8 G.V.Uday Bhaskar, the I.O of this case discloses that he has deposed his evidence about the investigation conducted by him in this case and filing of charge sheet. His evidence discloses that Crl.A.1377/2015 he enquired Sri.Gurudutt, S/o Visweswara Rao in the address of Notary Visweswara Rao. But he states that his father Visweswara Rao was not marked as notary public during 1984. He also states to him that his father Visweswara Rao was died in 1989. During his cross examination, the PW.8 has deposed that address of Notary shown in Ex's.P.4 and P.5 and the address of Notary mentioned in Ex.P.9 are different addresses. He also has deposed that B.Visweswara Rao and A.Visweswara Rao are different. He also admits that he has not produced any documents to show that A.Visweswara Rao

and B.Visweswara Rao are died. He also has admitted that he has not recorded the statement of Gurudutt, S/o Visweswara Rao. He is not shown as a witness to this case. What is the impediment to show Gurudutt as witness to this case is not explained by PW.8. Evidence of PW.1 discloses that he has not deposed that the father of the complainant has executed the GPA and affidavit that marked as Ex's.P.4 and P.5 in favour of his father. He has deposed his evidence about lodging of complaints as per Ex's.P.9, P.10, P.11 and P.12 against PW.4 and brother of the complainant. In the cross examination of DW.1, the prosecution has not specifically suggested to him that he has forged the documents marked at Ex's.P.4 and P.5 by way of forging the signature of father of the complainant. In view of admission that the accused and his father are residing in the disputed Crl.A.1377/2015 land from more than 35 years, question of accepting the evidence of PW-1 that the accused has attempted to trespass in to his property cannot be accepted. Hence, commission of offence under section 447 IPC is over ruled.

18. The evidence placed before the Court discloses that no evidence placed to show that the accused has forged the Ex's.P.4 and P.5 documents. The CW.10, Scientific expert is not examined before the court to corroborate the contents of his report marked as Ex.P.3. If he or other expert is examined, the accused has a chance to cross examine him about the report marked as Ex P-3. At the time of execution of Ex's.P.4 and P.5 documents, the father of the accused was alive. It is not clear that the accused has forged the document or not. It is not contended that Ex's.P.4 and P.5 documents are created after the death of father of the accused. So, it is clear that the evidence of PW's.1, 4 and 8 is doubtful in nature. Based on the doubtful evidence, it is not safe to believe that the accused has forged the Ex's.P.4 and P.5 documents. Even if it is accepted that Ex's.P.4 and P.5 are executed by father of the complainant as alleged, in view of the death of fathers of the complainant and accused, the Ex's.P.4 and P.5 becomes infructuous documents. Hence, no right vested on the accused based on Ex's.P.4 and P.5 documents. It is clear that the prosecution has fails to prove it's case as alleged against the accused beyond reasonable doubt. Therefore, it Crl.A.1377/2015 cannot be accepted that the trial court has committed error in disbelieving the evidence placed before it. Hence, no grounds to interfere with the impugned judgment and sentence order passed by the trial court. Therefore, I answered points No.2 & 3 as in the negative.

19. Point No.3: In view of the above discussion and the findings on points No.1 to 3, I proceed to pass the following:

ORDER I.A filed by the complainant police under section 5 of Limitation Act is allowed. Delay if any in filing the appeal in Crl.A.No.1316/16 is hereby condoned.

Appeals filed by the complainant PS and the complainant respectively in Crl.A.No.1316/16 & Cr.A.No.1377/15 respectively are hereby dismissed.

The judgment and order of acquittal passed against the accused in C.C.No.23383/2011 dated 15/10/2015 on the file of Court of 1 ACMM, Bangalore, is hereby confirmed. [Send back trial Court record with copy of this Judgment.

Crl.A.1377/2015

Kept original of this judgment in
Crl.A.No.1316/16 and its copy in
Cr.A.No.1377/15.

(Typed by the Stenographer on my dictation, the transcript revised and then pronounced by me in open court on this Friday the 12th day of March 2021).

(B.VENKATESHA) LXIII ADDL.CITY CIVIL & SESSIONS JUDGE, BENGALURU
12.03.2021 Applt. By : PP Case called in the Open Court. Judgment R-1 By : P.P. is pronounced in the Open Court, (vide R-2 - S.B.L. separate judgment kept in file).

For Judgment.

IA filed by the complainant police under section 5 of Limitation Act is allowed. Delay if any in filing the appeal in Crl.A.No.1316/16 is hereby condoned.

Appeals filed by the complainant PS and

Crl.A.1377/2015

the complainant respectively in
Crl.A.No.1316/16 & Cr.A.No.1377/15
respectively are hereby dismissed.

The judgment and order of acquittal
passed against the accused in
C.C.No.23383/2011 dated 15/10/2015 on
the file of Court of 1 ACMM, Bangalore, is
hereby confirmed.

Send back trial Court record with copy of
this Judgment.

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Crl.A.No.1316/16 and its copy in
Cr.A.No.1377/15

LXIII A.C.C.& S.J.,
Bengaluru.