

IN THE COURT OF THE I ADDL.CMM: BENGALURU

Dated this the 11th day of July 2018.

**Present: Shri V.Jagadeesh, B.Sc., LL.M.
I Addl. C.M.M BENGALURU.**

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

Case No. : C.C.No.19496/2011

Date of Offence : 22-4-2010 and 3-5-2010

Name of complainant : State by Cyber Crime Police,
Bengaluru,

Name of accused : 1. T.R.Vijay

2. Venkatesh S. Adabaddi

3. Suresh M.J. S/o M.S.Jayaram,
aged 35 years, r/o L.F.2/9,
BDA Flats, BTM Layout, II Stage,
Bengaluru,

4. Sagar S.

5. T.M. Shikanth

6. M.S. Raghavendra
S/o. Sri. M. Shankar Rao,
Aged about 34 Years,
R/at No. 40, 12th Main,
MTS Layout,
Kengeri Upanagar,
Bengaluru.

7. K.N. Mohan
S/o. Sri. K. Narayan,
Aged about 36 Years,
R/at No. 11,
2nd Floor, 26th Main, 9th Block,
Jayanagar, Bengaluru.

8.Chandan Yadav
S/o. Late Venkateshaiah,
Aged about 35 Years,
R/at No. 489, 13th A Cross,
1st Phase,
J.P. Nagar,
Bengaluru 560078.

**(accused No.1, 2, 4 and 5
Given up)**

Offences complained off: U/s.419, 468, 471, 420 and 120(B)
of IPC.

Plea of accused No.3, 6 to 8: Pleaded not guilty

Final Order : As per final order

Date of Order : 11-7-2018.

JUDGMENT

The Inspector of Police, Cyber Crime Police Station,
CID, Bengaluru has filed the charge sheet against the
accused Nos.3, 6 to 8 for the offences punishable under

Sections 66, 66(B) and 84(B) of the Information Technology Act, 2000 and Sections 120(B) and 379 of IPC.

2. It is the case of the prosecution that, the work of fixing the CCTV camera and other allied system was entrusted to one MAASTEK Technical Company, in turn hired the service of Shreya Infotech owned by accused No.3 for commissioning and also controlling of the audio/video and training for recording the operation of the system and the accused No.3 rendering service as technical assistant to Sinchana Media, who is the private producer of the TV programs and accused Nos.6 to 8 being the Directors of the Sinchana Media have undertaken the programme work of Red Alert that was being Telecast in Udaya TV. While installation of the system, one of the accused by name Nithyananda who was arrested in the Bidadi Police Station in Crime No.141/2010 was kept in the said lock up and his interrogation by Investigating Officer was going on and when interrogation was going on, the accused No.3 was in-charge of said recording of video, colluded with accused

Nos.6 to 8 hatching criminal conspiracy obtained the information of interrogation of Nithyananda by Investigating Officer and recorded the interrogation and without the knowledge of Investigating Officer or CID officers, the accused No.3 derived the said information to his pen drive and gave the same to accused No.7 who is in turn give it to Udaya TV for releasing on 3-5-2010 between 10-30 p.m. to 11 p.m and uploaded the clippings in you tube website. Under such circumstances, the complainant has filed a complaint against the accused Nos.3, 6 to 8 before the jurisdictional police. Accordingly, the Cyber Crime Police, CID has registered a case against the accused persons for the offences punishable under Sections 66(B), 84(C) of Information Technology Act and Section 379 and 120(B) of IPC in Crime No.10/2010. After completion of investigation, the Investigating Officer has filed the charge sheet against the accused Nos.3, 6 to 8 for the alleged offences.

3. After appearance of the accused Nos.3, 6 to 8 necessary documents as relied by the prosecution are furnished to the accused Nos.3, 6 to 8 as provided under Section 207 of Cr.P.C. Charge has been framed and same is read over and explained to the accused Nos.3, 6 to 8. The accused Nos.3, 6 to 8 pleaded not guilty and claims to be tried. Therefore, the case was posted for prosecution evidence.

4. C.Ws.1 to 29 have been cited as charge sheet witnesses. In order to prove the guilt of the accused Nos.3, 6 to 8 during the course of trial, C.Ws.2, 3, 1, 6, 5, 9, 4, 8, 11, 10, 15, 13, 16, 19, 24, 20, 17, 21, 18, 25 to 29 have been examined as P.Ws.1 to 24 respectively and got marked Exs.P1 to P52 and identified M.Os.1 to 7. So far as other charge sheet witnesses are concerned, their presence is not secured, inspite of sufficient time and repeated issuance of summons and warrants. Therefore, they are dropped.

5. After completion of prosecution evidence, the statement of the accused Nos.3, 6 to 8 was recorded under

Section 313 of Cr.P.C. The accused Nos.3, 6 to 8 have not adduced any defence evidence on their behalf. Therefore, there is no defence evidence on behalf of the accused Nos.3, 6 to 8.

6. Heard the arguments of learned Senior A.P.P. and counsel appearing for accused. The points that would arise for my consideration are as under:

1. Whether the prosecution proves beyond all reasonable doubt that, the accused Nos.3, 6 to 8 have committed the offences punishable under Sections 66, 66(B) and 84(C) of Information Technology Act, 2000 and Sections 120(B) and 379 of IPC?
2. What order ?

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

Point No.1: In the **Negative**.

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

REASONS

8. **Point No.1:-** The contention of the prosecution is that, the work of fixing the CCTV camera and other allied system was entrusted to one MAASTEK Technical Company, in turn hired the service of Shreya Infotech owned by accused No.3 for commissioning and also controlling of the audio/video and training for recording the operation of the system and the accused No.3 rendering service as technical assistant to Sinchana Media, who is the private producer of the TV programs and accused Nos.6 to 8 being the Directors of the Sinchana Media have undertaken the programme work of Red Alert that was being Telecast in Udaya TV. While installation of the system, one of the accused by name Nithyananda who was arrested in the Bidadi Police Station in Crime No.141/2010 was kept in the said lock up and his interrogation by Investigating Officer was going on and when interrogation was going on, the accused No.3 was in-charge of said recording of video, colluded with accused

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9. In order to prove the guilt of the accused Nos.3, 6 to 8 for the offences punishable under Sections 66, 66(B) and 84(C) of Information Technology Act and Sections 120(B) and 379 of IPC, C.W.2 is examined as P.W.1, who is a seizure mahazar witness who has identified his signature on the mahazar, which is marked as Ex.P1. The signature of the P.W.1 is marked as Ex.P1(a). It is further deposed by P.W.1

that the COD officer has examined him on 6-5-2010 and COD police have taken his signature on the said mahazar and informed that they are going to seize the hard disc. But in the chief-examination itself P.W.1 has deposed to the following effect:

Now I cannot identify the said hard disc. I did not see any person in the COD office at that time.

The evidence of P.W.1 as above clearly shows that he has not supported the case of the prosecution with regard to the seizure of hard disc in his presence under Ex.P1 and deposed that he has not seen any person at that time. Since P.W.1 has not supported the case of the prosecution with regard to the seizure of hard disc, he was treated as hostile witness and cross-examined by the learned Senior A.P.P. with the permission court. But in the course of cross-examination nothing has been elicited to prove the seizure of hard disc, which was alleged to be seized from the possession of accused No.1.

10. The learned counsel appearing for the accused No.3 has cross-examined P.W.1 in brief, in which he has deposed to the following effect:

I have no any technical knowledge about the computers. COD police did not seize any hard disc in my presence.

The evidence of P.W.1 as above is not sufficient to prove the seizure mahazar.

11. C.W.3 is examined as P.W.2 who is another seizure mahazar witness, who has deposed in chief-examination to the following effect:

During our visit to our COD office, we did not find any third present in the office including the accused who are present today.

I did not see seizure of any hard disc by the COD police. I did not see from which system the said hard disc was removed.

The evidence of P.W.2 clearly shows that COD police have obtained the signature of P.W.2 on the mahazar in

Police Station and at that time he did not find any third person including the accused No.3 herein. The evidence of P.W.2 clearly shows that he has not supported the case of the prosecution to prove the mahazar. Therefore, he was also treated as hostile witness and cross-examined by the learned Senior APP with the permission of the court. In the course of cross-examination, nothing has been elicited to prove the seizure mahazar.

12. The learned counsel appearing for the accused No.3 has also cross-examined P.W.2 in brief, in which P.W.2 has deposed to the following effect:

I have no any technical
knowledge about the computers.
COD police did not seize any hard
disc in my presence.

The evidence of P.W.2 is also not sufficient to prove the seizure mahazar.

It is also important point to be noted at this stage itself that P.Ws.1 and 2 being the Government officials of drugs Control Department have turned hostile and not supported

the case of the prosecution with regard to the seizure of disputed CD under Ex.P1. When prosecution has failed to prove the seizure of CD, it creates a doubt whether the accused No.3 was responsible to record the interrogation of Nithyananda by the COD office which was not supposed to disclose to anybody.

13. C.W.1/complainant is examined as P.W.3, who has set the criminal proceedings in motion against the accused persons for the alleged offences. His evidence is very important, to prove the guilt of the accused Nos.3, 6 to 8 for the alleged offences. P.W.3 has deposed in his chief-examination that the COD police officers were continued the interrogation of Nithyananda in the month of April-May 2010 at CID building in interrogation room and lock up room. It is further deposed by P.W.3 that the construction of said room and lock up room for interrogation, was entrusted to PWD and PWD was entrusted the construction work to Image creations" through tender, of course it is not in dispute. It is further deposed by P.W.3 that installation of CCTV

camera, audio and video equipments in the said room was entrusted to MAASTEK company in which one Vijay, Suresh, Venkatesh, Sagar and Srikanth were working as Assistants.

14. P.W.3 has deposed in chief-examination explaining the circumstances in which a case has been registered against the accused persons in para No.2, page No.1 to the following effect:

ದಿಃ3-5-2010ರಂದು ರಾತ್ರಿ 10-30ರಿಂದ
11-00 ಗಂಟೆಯವರೆಗೆ ನಾನು ಮನೆಯಲ್ಲಿ ಇದ್ದಾಗ
ಉದಯ ಟಿ.ವಿ.ಯಲ್ಲಿ ರೆಡ್ ಅಲರ್ಟ್
ಪೋಗ್ರಾಮ್‌ನಲ್ಲಿ ನಮ್ಮ ಇಂಟರ್‌ಗೇಷನ್ ರೂಮ್
ಮತ್ತು ಲಾಕಪ್ ರೂಮ್‌ನಲ್ಲಿದ್ದ ದೃಶ್ಯಾವಳಿಗಳು
ಸದರಿ ರೆಡ್ ಅಲರ್ಟ್ ಪೋಗ್ರಾಮ್‌ನಲ್ಲಿ
ಬಿತ್ತರಿಸುತ್ತಿದ್ದುದನ್ನು ನಾನು ನೋಡಿರುತ್ತೇನೆ. ಸದರಿ
ದೃಶ್ಯಾವಳಿಗಳನ್ನು ಯು-ಟ್ಯೂಬ್‌ನಲ್ಲಿಯೂ ಕೂಡ
ಹಾಕಲಾಗಿದೆ ಅಂತ ಅಧಿಕಾರಿಗಳು
ಮಾತನಾಡುತ್ತಿರುವುದು ಕಂಡು ಬಂದಿತು. ತನಿಖೆಗೆ
ಸಂಬಂಧಪಟ್ಟ ವಿಚಾರಗಳು ಟಿ.ವಿ. ಮಾಧ್ಯಮದಲ್ಲಿ
ಬಿತ್ತರಗೊಳ್ಳಲು ಆರೋಪಿತರೇ ಕಾರಣ

ಇರಬಹುದು ಅಂತ ದೂರನ್ನು ನಾನು
ಮೇಲಾಧಿಕಾರಿಗಳ ಅನುಮತಿ ಮೇರೆಗೆ ಸೈಬರ್ ಕ್ರೈಂ.
ಪೊ.ಠಾಣೆಯ ಠಾಣಾಧಿಕಾರಿಗೆ ನೀಡಿದೆನು.

The evidence of P.W.3 as above is in respect of alleged offences leveled against the accused for stealing the very important information with regard to interrogation of Nithyananda by the CID officers to telecast the same in Udaya TV as well as in you tube. The evidence of P.W.3 is not specific, whether the accused Nos.3, 6 to 8 are the persons to whom the said entire programme was entrusted. Similarly, P.W.3 has deposed in para No.2, page No.2 to the following effect:

ಡಿಸ್ಕ್ ಅನ್ನು ನನಗೆ ತೋರಿಸಿದಾಗ ಅದನ್ನು
ನಿರ್ದೇಶಿಸಿದವರು ಎಂ.ಎಸ್. ರಾಘವೇಂದ್ರ ಅಂತ
ಇದ್ದು, ನಿರ್ಮಾಪಕರು ಕೆ.ಎನ್. ಮೋಹನ್ ಮತ್ತು
ಚಂದನ್ ಯಾದವ್ ಇದ್ದು ತಾಂತ್ರಿಕ ಸಲಹೆಗಾರ
ಎಂ.ಜೆ. ಸುರೇಶ್ ಅಂತ ಇದ್ದ ಅಂತ ತಿಳಿದು
ಬಂದಿತು. ಈ ಬಗ್ಗೆ ಮರು ಹೇಳಿಕೆಯಲ್ಲಿ
ಹೇಳಿರುತ್ತೇನೆ.

The evidence of P.W.3 as above further establishes that the disputed CD disclosed with regard to interrogation of Nithyananda by the CID police officers as directed by M.S.Raghavendra, producer K.N.Mohan and Chandan i.e., accused Nos.6 to 8 and Technical Assistant M.J. Suresh, the accused No.3. As admitted by P.W.3, he himself recorded all the said event was entrusted to Shreya Infotech which belongs to accused No.3.

15. It is also important point to be noted at this stage itself that after chief-examination of P.W.3, cross-examination of P.W.3 was deferred at the request made by the counsel for the accused persons. However, P.W.3 was not subjected for cross-examination after granting sufficient time. Therefore, this court was pleased to pass an order on 7-7-2014 to the effect that the evidence of P.W.3 is discarded on the ground that P.W.3 has gone to foreign country and his presence cannot be secured in near future. Therefore, P.W.3 was not cross-examined subsequently. It is not forthcoming on the record when

exactly P.W.3 was returned from foreign country and no attempt was made by the prosecution to recall P.W.3 for subjecting him for cross-examination by the accused. Therefore, the evidence of P.W3 is incomplete. In this regard, this court has relied on the judgment of the Hon'ble High Court of Karnataka in the case of Sannarevanappa Bharamajappa Kalal Vs. State of Karnataka, reported in ILR 1990 KAR 1205, wherein their lordship has held that,

"CRIMINAL PROCEDURE CODE, 1973 (Central Act No.2 of 1974)- Section 319-Complete 'evidence' calls for cross-examination not examination-in-chief alone-If witness does not submit to cross-examination after examination-in-chief Court precluded from acting on such incomplete evidence".

The law laid down in the above said judgment is squarely applicable to the facts and circumstances of the present case. Therefore, incomplete evidence of P.W.3

cannot be considered to prove the guilt of the accused persons. As already stated above, P.W.3 is the complainant, his evidence is very important to prove the guilt of the accused persons. When the evidence of P.W.3 cannot be considered, non-examination of P.W.3 fully is fatal to the case of the prosecution to prove the guilt of the accused Nos.3, 6 to 8.

16. C.W.4 is examined as P.W.4 and C.W.5 is examined as P.W.5. P.Ws.4 and 5 are the mahazar and seizure mahazar witnesses, mahazar is marked as Ex.P9. Since P.Ws.4 and 5 have not supported the case of the prosecution, they were treated as hostile witnesses and cross-examined by the learned Senior A.P.P. with the permission court, but in the course of cross-examination, P.Ws.4 and 5 have specifically denied the suggestions to the following effect:

ಆ ದಿನ ಪೊಲೀಸರು ನನ್ನ ಸಮಕ್ಷಮ
ಒಂದು ಕಪ್ಪು ಬಣ್ಣದ ಕಿಂಗ್‌ಸ್ಟನ್ ಪೆನ್‌ಡ್ರೈವ್,
ಮೊಸರ್‌ಬೈರ್ ಹಾಗೂ ಹಾರ್ಡ್‌ಡಿಸ್ಕ್‌ಗಳನ್ನು
ಅಮಾನತ್ತುಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆಂದರೆ ಸರಿಯಲ್ಲ.

The categorical denial of seizure of pen drive mosarbyre and hard disc under mahazar is sufficient to prove the seizure of those articles. Therefore, the prosecution has miserably failed to prove the seizure of those items to prove the guilt of the accused persons.

17. C.W.9 is examined as P.W.6 who is none other than the proprietor of MASTEEK who has deposed in chief-examination in page No.1 to the following effect:

ಮೇಃಇಮೇಚ್ ಕ್ರಿಯೇಷನ್ಸ್
ಮಾಲೀಕರು ಸಿಬ್ಬಿಯಲ್ಲಿ ಹೊಸದಾಗಿ
ನಿರ್ಮಿಸಿರುವ ಇಂಟರ್‌ಗೇಷನ್ ಸೆಲ್‌ನಲ್ಲಿ ಸಿಸಿ
ಟಿವಿ ಸಿಸ್ಟಂ ಅನ್ನು ಅಳವಡಿಸಬೇಕೆಂದು ನಮಗೆ
ಆರ್ಡರ್ ಕೊಟ್ಟಿರುತ್ತಾರೆ.

ಸಿಸಿ ಟಿವಿ ಇನ್‌ಸ್ಟಾಲ್ ಮಾಡಲು
ಚಾಸಾ-7 ಶ್ರೀಕಾಂತ್, ಚಾಸಾ-8 ಸಾಗರ್
ಇವರನ್ನು ನೇಮಿಸಲಾಯಿತು. ಚಾಸಾ-
10ರವರನ್ನು ಅದರ ಉಸ್ತುವಾರಿಯನ್ನು
ನೋಡಲು ನೇಮಿಸಿರುತ್ತೇವೆ.

ಇದಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಡಿಜಿಟಲ್
 ವಿಡಿಯೋ ರೆಕಾರ್ಡಿಂಗ್ ಮಾಡಲು ಮೇ
 ಶ್ರೀಯಾ ಇನ್ಫೊಟೆಕ್ನ ಸುರೇಶ್ ಅನ್ನುವವರಿಗೆ
 ದಿ:8-4-2010ರಂದು ಆರ್ಡರ್ ನೀಡಿರುತ್ತೇವೆ.

The evidence of P.W.6 as above clearly shows and establishes that the installation of CCTV camera and other items in the interrogation room was entrusted to his company called "Image Creations" and the evidence of P.W.6 further discloses that the recording of said interrogation by the Investigating Officers was entrusted to M/s Shreya Infotech belongs to accused No.3. The evidence of P.W.6 further establishes that the accused No.3 who was in-charge of recording video was responsible for leakage of the information with regard to the interrogation by the CID so as to telecast the same in TV 9 which was prohibited. In order to establish and prove whether the accused No.3 is responsible for leakage of said information to telecast the

same in TV 9 or not, the oral evidence of P.W.6 is very important.

18. In order to disprove the case of the prosecution and in order to prove that the accused No.3 is not responsible and he has not committed any such offence, his counsel has cross-examined P.W.6 in detail. In the course of cross-examination P.W.6 has deposed with regard to the business carried on by him as well as the business of the accused No.3 in the technical field. Of course, there is no dispute with regard to the same. Hence, I need not discuss much with regard to same. In the course of cross-examination P.W.6 has deposed that he has taken help of accused No.3 in various projects for installation of CCTV camera and other technical works. Therefore, this admission of P.W.6 clearly shows that P.W.6 and accused No.3 are well conversant with each other in their business.

19. In further cross-examination in para No.1, page No.3, P.W.6 has deposed to the following effect:

ಸಿಐಡಿ ಪ್ರಾಚೆಕ್ಸ್ ಕೊಡುವ ಮೊದಲು
 ನಾನು ಆರೋಪಿ-3ರವರಿಗೆ ರೂ.90 ಸಾವಿರ
 ಹಣವನ್ನು ಕೊಡಬೇಕಾಗಿತ್ತು ಎಂದರೆ ಸರಿ. ಆ
 90 ಸಾವಿರವನ್ನು ಇನ್ನೂ ನಾನು ಆರೋಪಿ-
 3ರವರಿಗೆ ಕೊಟ್ಟಿರುವುದಿಲ್ಲ.

The unequivocal admission of P.W.6 as above clearly shows and proves that there was a due of Rs.90,000/- from P.W.6 to accused No.3.

20. In further cross-examination P.W.6 has categorically admitted with regard to the commission in respect of various transaction between him and accused No.3. In the course of cross-examination P.W.6 has pleaded ignorance about the ownership of Udaya TV and SUN TV. Similarly, P.W.6 has pleaded ignorance with regard to the agreement between Central Government and SUN TV with regard to the relay of programme in respect of investigation conducted by CID with Nithyananda. The specific suggestion posed in the course of cross-examination by the learned counsel for

accused is important to which P.W.6 has deposed in para No.2, page No.4 to the following effect:

ಸಿಐಡಿಎವರ್ ಇಂಟರ್‌ನಲ್ ಅರೇಂಜ್‌ಮೆಂಟ್
ಪ್ರಕಾರ ಇಮೇಜಸ್ ಆಫ್ ನಿತ್ಯಾನಂದ ಇದನ್ನು ಸನ್
ಟಿವಿಯವರಿಗೆ ಕೊಡಬೇಕು ಅಂತ ಆಗಿತ್ತು ಎಂದರೆ
ನನಗೆ ಗೊತ್ತಿಲ್ಲ.

The ignorance pleaded by P.W.6 as above shows that P.W.6 tried to hide real facts with regard to the arrangement for telecasting the particular event. If that is so, the telecasting of interrogation of Nithyananda in Udaya TV does not amounts to any offence. In para No.2, page No.4, P.W.6 has further deposed to the following effect:

ಈ ಪ್ರಕರಣದ ಪ್ರ.ವ.ವ.ದಲ್ಲಿ ನಾನು
ಮೊದಲನೇ ಆರೋಪಿಯಾಗಿರುತ್ತೇನೆ ಎಂದರೆ
ನನಗೆ ಗೊತ್ತಿಲ್ಲ.

The suggestion made as above clearly shows that P.W.6 was made as accused No.1 in FIR but he pleaded ignorance about the same. According to me the installation of CCTV and also recording of video was entrusted to the

company owned by P.W.6. When that being the case, it is P.W.6, who is responsible to keep programme in secret and he should be made as accused for telecasting the video clippings of interrogation of Nithyananda. It is also important point to be noted at this stage itself that, according to the prosecution the accused No.3 has handed over the pen drive and other CDS in respect of interrogation of Nithyanada conducted by CID to telecast in Udaya TV. But in order to establish that the accused No.3 has handed over such pen drive and CD, people of Udaya TV are very important witnesses. The people working in Udaya TV are not at all examined in the present case. Therefore, the non-examination of Udaya TV people in the present case is fatal to the case of the prosecution to prove the guilt of the accused No.3.

21. In further cross-examination P.W.6 has deposed in page No.5 to the following effect:

ಈ ವಿಡಿಯೋ ರೆಕಾರ್ಡಿಂಗ್ ಅನ್ನು ಉದಯ
ಟಿವಿಯಲ್ಲಿ ನಾನು ನೋಡಿರುವ ವಿಚಾರ ನನಗೆ
ನೆನಪು ಇರುವುದಿಲ್ಲ. ಈ ರೆಕಾರ್ಡಿಂಗ್ ಬಗ್ಗೆ ಸಿಐಡಿ
ಪೊಲೀಸರ ಮುಖಾಂತರ ನನಗೆ ಗೊತ್ತಾಗಿರುತ್ತದೆ.

The evidence of P.W.6 as above clearly shows that he came to know about the relay of video recording in Udaya TV only after information given by police, which cannot be believable. Therefore, the evidence of P.W.6 is not sufficient to prove the guilt of the accused No.3. As admitted by P.W.6, the accused No.3 is not an employee in his company.

22. C.W.4 is examined as P.W.7 who is an Electrical Sub-Division Assistant Engineer of PWD, Karnataka State. P.W.7 has also deposed that the accused No.3 might have disclosed the interrogation events to TV for rely, but in the chief-examination itself P.W.7 has deposed to the following effect:

ಆ ಸಮಯದಲ್ಲಿ ನ್ಯಾಯಾಲಯದ ಮುಂದೆ
ಇರುವ ಸುರೇಶ್ ಎನ್ನುವ ಆರೋಪಿ ಕೆಲಸ
ಮಾಡುತ್ತಿದ್ದರು. ಸಾಕ್ಷಿಯು ಸುರೇಶ್ ಎಂದು

ಗುರುತಿಸಿರುವ ನ್ಯಾಯಾಲಯದ ಮುಂದೆ ಇರುವ
ಆರೋಪಿಯ ಹೆಸರು ಮೋಹನ್
ಆಗಿರುತ್ತದೆ.

The evidence of P.W.7 as above is not sufficient to prove the identification of accused No.3 who was alleged to have committed the offences.

23. The counsel appearing for the accused has cross-examined P.W.7 in brief. In the course of cross-examination, P.W.7 has deposed to the following effect:

ಸಿಐಡಿ ಕ್ಯಾಂಪೌಸ್‌ನಲ್ಲಿ ಸಿಸಿಟಿವಿ
ಇನ್‌ಸ್ಟಾಲೇಷನ್ ಆಗುವ ಸೂಪರ್‌ವೈಸಿ ಕೆಲಸವನ್ನು
ನನಗೆ ಕೊಟ್ಟಿರುವುದಿಲ್ಲ. ಸುರೇಶ್ ಬಾಬು
ಅವರಿಗೆ ಅದನ್ನು ಕೊಟ್ಟಿದ್ದರು. ಸುರೇಶ್‌ಬಾಬು
ಊರಿನಲ್ಲಿ ಇಲ್ಲದ ಕಾರಣ ನಾನು ಅಲ್ಲಿಗೆ
ಹೋಗಿದ್ದೆನು. ಈ ಡ್ಯೂಟಿಯ ಅಸೈನ್‌ಮೆಂಟ್
ಅನ್ನು ನನಗೆ ಬರವಣಿಗೆ ಮುಖಾಂತರ
ಕೊಟ್ಟಿರುವುದಿಲ್ಲ. ಮೌಖಿಕವಾಗಿ ಹೇಳಿದ್ದು
ಆಗಿರುತ್ತದೆ.

The evidence of P.W.7 as above is not at all sustainable and cannot be relied on to establish that the accused No.3 has entrusted to record the programme of interrogation of said Nithyananda by CID office on a particular day. In the absence of such material evidence, the allegations made against the accused No.3 cannot be believed to be true and not sufficient to prove the guilt.

24. C.W.8 is examined as P.W.8, who is a proprietor of MASTEEK company who has also deposed in similar manner as deposed by P.W.6.

The learned counsel appearing for accused No.3 has cross-examined P.W.8 in detail, in which P.W.8 has deposed to the following effect:

ನಾನು ಮಾಸ್ಟೇಕ್ ಕಂಪನಿಯಲ್ಲಿ ಸಂಬಳಕ್ಕೆ
ಎಂಪ್ಲಾಯಿಯಾಗಿರುತ್ತೇನೆ. ಶ್ರೀಕಾಂತ್ ಮತ್ತು
ವೆಂಕಟೇಶ್ ಕೂಡ ಮಾಸ್ಟೇಕ್ ಕಂಪನಿಯಲ್ಲಿ
ಸಂಬಳಕ್ಕಾಗಿ ಕೆಲಸ ಮಾಡುತ್ತಾರೆ. ಆರೋಪಿ-3
ಸುರೇಶ್ ಮಾಸ್ಟೇಕ್ ಕಂಪನಿಯಲ್ಲಿ ಕೆಲಸ
ಮಾಡುತ್ತಿರಲಿಲ್ಲ. ನಮ್ಮ ಕಂಪನಿಯಲ್ಲಿ

ಯಾವುದಾದರೂ ಸಾಫ್ಟ್‌ವೇರ್ ಇನ್‌ಸ್ಟಾಲೇಷನ್
 ಇದ್ದರೆ ವಿಜಯ್ ಅವರು ಆರೋಪಿ-3ರವರ
 ಸಹಾಯನ್ನು ಪಡೆಯುತ್ತಿದ್ದರು ಎಂದರೆ ಸರಿ.
 ಪ್ರಾಜೆಕ್ಟ್ ಬಗ್ಗೆ ಪ್ರೊಪ್ರೈಟರ್ ವಿಜಯ್ ಮತ್ತು
 ಆರೋಪಿ-3ರವರ ಮಧ್ಯದಲ್ಲಿ ಅಗ್ರಿಮೆಂಟ್
 ಆಗುತ್ತಿತ್ತು ಎಂದರೆ ಸರಿ.

The evidence of P.W.8 as above is not sufficient to
 prove that the accused No.3 was entrusted to record such
 particular event as contended by the prosecution.

25. In fact in further cross-examination in para No.2, page
 No.3, P.W.8 has deposed to the following effect:

ನಿತ್ಯಾನಂದನ ಬಗ್ಗೆ ಉದಯ
 ಟಿ.ವಿ.ಯಲ್ಲಿ ಬರುತ್ತಿದ್ದುದನ್ನು ನಾನು
 ನೋಡಿರುವುದಿಲ್ಲ. ಆ ರೆಕಾರ್ಡಿಂಗ್
 ಅನ್ನು ನಾನು ನೋಡಿರುವುದಿಲ್ಲ.
 ದಿ:22-4-2010ರಿಂದ 26-4-2010ರವರೆಗೆ
 ನಾನು, ಶ್ರೀಕಾಂತ್, ವೆಂಕಟೇಶ್ ಮತ್ತು

ಆರೋಪಿ-3 ಸುರೇಶ್ ಒಟ್ಟಿಗೆ ಕೆಲಸ

ಮಾಡುತ್ತಿದ್ದೆವು.

The evidence of P.W.8 as above further establishes that the accused No.3 Suresh is also one of the employees of the particular firm and was entrusted to record the particular event. Therefore, the allegations made against the accused No.3 alone are not sustainable.

In further cross-examination P.W.8 has categorically admitted that he does not know anything about the present case personally. Therefore, the evidence of P.W.8 is not sufficient to prove the guilt of the accused Nos.3, 6 to 8.

26. C.W.11 is examined as P.W.9. In chief-examination P.W.9 has deposed to the following effect:

ನಾಯಾಲಯದ ಮುಂದೆ ಇರುವ

ಆರೋಪಿ ಸುರೇಶ್ ರವರ ಕೆಲಸ ನಮ್ಮ

ಆಫೀಸ್ ಕಂಪ್ಯೂಟರ್ಸ್ ಅನ್ನು ಮೇಂಟೇನೆನ್ಸ್

ಮಾಡುವ ಜವಾಬ್ದಾರಿಯಾಗಿರುತ್ತದೆ. ನಮ್ಮ

ಕಂಪನಿಯಿಂದ ಎಲ್ಲಿಯಾದರೂ ಸಾಫ್ಟ್‌ವೇರ್

ಇನ್‌ಸ್ಟಾಲೇಷನ್ ಮಾಡುವ ಸಂದರ್ಭ ಬಂದರೆ

ಅವರು ಸಾಫ್ಟ್‌ವೇರ್‌ಗಳನ್ನು ಇನ್‌ಸ್ಟಾಲ್
ಮಾಡಿ ಚೆಕ್ ಮಾಡಿ ಅಲ್ಲಿದ್ದ ಕಸ್ಟಮರ್‌ಗಳಿಗೆ
ಟ್ರೇನಿಂಗ್ ಕೊಟ್ಟು ಬರುವ ಕೆಲಸ
ಅವರದಾಗಿರುತ್ತದೆ.

The evidence of P.W.9 is in respect of the nature of work that accused No.3 was doing in the office of his company. In chief-examination P.W.9 has deposed that he came to know that the accused No.3 has supplied the clippings of interrogation which were prohibited from telecasting. Therefore, his evidence is only a hear say evidence and he has no personal knowledge about the same.

27. The learned counsel appearing for the accused has cross-examined P.W.9, in detail, in the course of cross-examination P.W.9 in page No.3 has deposed to the following effect:

ಆರೋಪಿ 3 ಸುರೇಶ್ ಮಾಸ್ಟೇಕ್
ಕಂಪನಿಯಲ್ಲಿ ಎಂಪ್ಲಾಯಿ ಇರುವುದಿಲ್ಲ.

The evidence of P.W.9 as above clearly shows that the accused No.3 was not an employee in the MASTEER company. In fact the conjoint reading and consideration of the evidence of P.W.9 and P.W.6 clearly shows that there is inconsistency with regard to the nature of work which was entrusted to accused No.3 in recording the video of interrogation of Nithyanada by the CID officers.

28. In further cross-examination P.W.9 has categorically admitted to the following effect:

ಆರೋಪಿ 3 ರವರ ಕೆಲಸ ವೇನೆಂದರೆ
ನಮ್ಮ ಕಚೇರಿಯ ಕಂಪ್ಯೂಟರ್‌ಗಳನ್ನು
ಮೈಂಟೇನ್ ಮಾಡುವುದು, ನಮ್ಮ ಕಸ್ಟಮರ್
ಸ್ಥಳಕ್ಕೆ ಹೋಗಿ ಅಲ್ಲಿ ಆ ಸಾಫ್ಟ್‌ವೇರ್
ಇನ್‌ಸ್ಟಾಲ್ ಹಾಗೂ ಅವರಿಗೆ ತರಬೇತಿ ನೀಡಿ
ಬರುವುದು ಆಗಿತ್ತು.

The categorical admission of P.W.9 as above shows that the duty of the accused No.3 was installation of computer and giving training to the concerned customers.

Therefore, the evidence of P.W.9 as above is not at all sufficient to prove the guilt of the accused No.3.

In further cross-examination in para No.2, page No.4, P.W.9 has deposed to the following effect:

ಆರೋಪಿ 3 ಅವರು ಸಿಐಡಿ ಆಫೀಸ್‌ನಲ್ಲಿ
ಸಾಫ್ಟ್‌ವೇರ್‌ನ್ನು ಇನ್‌ಸ್ಟಾಲ್ ಮಾಡಿರುತ್ತಾರೆ.
ಆ ಬಗ್ಗೆ ಯಾವುದೇ ದಾಖಲಾತಿ ಇರುವುದಿಲ್ಲ.

The clear evidence of P.W.9 clearly shows that the work entrusted to accused No.3 was only to installation of software in the interrogation room, but nothing else.

In cross-examination in page No.4, P.W.9 has categorically admitted that there where no video clippings found in the hardware of MASTEEK company. The evidence of P.W.9 creates a doubt, then who was in possession of the said alleged CD and pen drive and delivered to TV channel.

In further cross-examination in page No.5, P.W.9 has deposed to the following effect:

ಪೊಲೀಸರು ನನ್ನನ್ನು ಇಂಟ್ರಾಗೇಷನ್
ಮಾಡಿದಾಗ ಸರ್ವರ್‌ನ್ನು ಚಕ್ ಮಾಡಿದರು

ಅದರಲ್ಲಿ ವಿಡಿಯೋ ಕ್ಲಿಪ್ಪಿಂಗ್ ಇರಲಿಲ್ಲ ಸಿಐಡಿ
ಪೊಲೀಸರು ನಮ್ಮ ಆಫೀಸ್‌ನಿಂದ ಯಾವುದೇ
ವಸ್ತುಗಳನ್ನು ಅಮಾನತ್ತು ಪಡಿಸಿಕೊಂಡಿರುವುದಿಲ್ಲ.

The categorical admission of P.W.9 as above for non-seizure of video clippings and CD is corroborated with the evidence of P.Ws.1 and 2 who have turned hostile and denied the seizure of items by the police. Therefore, the evidence of P.W.9 as above is not at all sufficient to prove the seizure as well as to fasten the liability on accused No.3.

29. C.W.10 is examined as P.W.10. In chief-examination P.W.10 has deposed in page No.9 to the following effect:

ಅಸಾ-6 ವಿಜಯ್ ಇವರು ಮಾಸ್‌ಟೆಕ್
ಕಂಪನಿಯ ಪ್ರೊಪ್ರೈಟರ್ ಆಗಿದ್ದು ಅವರು ನಮಗೆ
ಬಾಸ್ ಆಗಿರುತ್ತಾರೆ. ಚಾಸಾ-7 ಶ್ರೀಕಾಂತ್,
ಅಸಾ-8 ಸಾಗರ್ ಇವರು ನಮ್ಮ ಜೊತೆಯಲ್ಲಿ
ಮಾಸ್‌ಟೆಕ್ ಕಂಪನಿಯಲ್ಲಿ ಇನ್‌ಸ್ಟಾಲೇಷನ್
ವಿಭಾಗದಲ್ಲಿ ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದರು.
ನ್ಯಾಯಾಲಯದ ಮುಂದೆ ಇರುವ ಸುರೇಶ್

ಇವರು ಮಾಸ್ಟೇಕ್ ಕಂಪನಿಯ ಸಾಫ್ಟ್‌ವೇರ್

ಇನ್‌ಸ್ಟಾಲೇಷನ್ ವರ್ಕ್ ಮಾಡುತ್ತಿದ್ದರು.

The evidence of P.W.10 as above clearly shows that C.W.6 is a proprietor of MASTEEL Company in which the accused Nos.3, 7 and 8 are working. In chief-examination P.W.10 has deposed with regard to the work entrusted to the said company and also deploying the accused Nos.3 and 6 to 8 for installation of CCTV and other equipments in interrogation room of CID office.

In further chief-examination P.W.10 has deposed in page No.2 to the following effect:

ದಿಃ 24-04-2010 ರಂದು ಶ್ರೀಕಾಂತ್

ಮತ್ತು ಸಾಗರ್ ಶ್ರೀಕಾಂತ್‌ರವರ ಬೈಕ್‌ನಲ್ಲಿ

ನಾನು ಮತ್ತು ಸುರೇಶ್ ನನ್ನ ಬೈಕ್‌ನಲ್ಲಿ ಸಿಬಿಡಿ

ಕಚೇರಿಗೆ ಸುಮಾರು 11-00 ಗಂಟೆಗೆ ಹೋದೆವು.

ಆ ದಿನ ನಿತ್ಯಾನಂದಸ್ವಾಮಿಯ ಇಂಟರಾಗೇಷನ್

ನಡೆಯುತ್ತಿತ್ತು. ಅಲ್ಲಿ ಇಂಟರಾಗೇಷನ್

ನಡೆಯುತ್ತಿದೆ ಅಂತ ಅಲ್ಲಿದ್ದವರು ತಿಳಿಸಿದರು.

ನಂತರ ನಾವು ಅಳವಡಿಸಿದ್ದ ಸಿಸಿ ಟಿವಿಯ

ಡೆಮೋ ಮಾಡಿ ಸುರೇಶ್ ರವರು ಚೆಕ್ ಮಾಡಿ
 ತುಳಸೀಗಿರಿ, ಸಿಐಡಿ ಇನ್ಸ್‌ಪೆಕ್ಟರ್‌ವರಿಗೆ
 ತೋರಿಸಿದೆವು. ನಂತರ ಸಾಯಂಕಾಲ 7-30
 ಗಂಟೆ ಸಮಯಕ್ಕೆ ವಾಪಸ್ ಮನೆಗೆ ಬಂದೆವು.

The evidence of P.W.10 as above clearly shows and proves that on 24-4-2010, P.W.10 and accused No.3 have gone to investigation office for installation of equipments. After thorough check with regard to the working condition of the CCTVs, they were returned to home at about 7-30 p.m. This evidence of P.W.10 disproves the allegations made against the accused No.3 that he was recording the interrogation of Nithyananda in CID office. It is also important point to be noted at this stage itself that whenever the accused No.3 was working in interrogation room, P.W.10 was also working along with him, when that being the case, the allegations made only against the accused No.3 by leaving other workers of the said company is not sustainable. On the other hand it shows that in order to escape from the

punishment, the accused No.3 might be implicated in the case at the instance of P.W.6.

30. The learned counsel appearing for the accused has cross-examined P.W.10 in detail. In the course of cross-examination P.W.10 has deposed with regard to the assignment of work and entrusting of installation work and other work in the interrogation room. The very important piece of cross-examination of P.W.10 is in page No.3, 4 and 5.

In the course of cross-examination in page No.3 and 4, P.W.10 has deposed to the following effect:

ನನ್ನ ಜೊತೆ ಸಿಐಡಿ ಸೈಟ್‌ಗೆ ಹೋದ
ನನ್ನ ಸಬಾರ್ಡಿನೇಟ್ ಆಫೀಸ್ ಎಂದರೆ,
ಸಾಗರ್, ಶ್ರೀಕಾಂತ್, ಸುರೇಶ್ ಇದ್ದರು.
ವರ್ಕ್ ಅಲಾಟ್‌ಮೆಂಟ್‌ಗೆ ಹೋದ ಬಗ್ಗೆ
ವರ್ಕ್ ಅಲಾಟ್‌ಮೆಂಟ್ ರಿಜಿಸ್ಟ್ರಾರ್
ಇರುವುದಿಲ್ಲ. ಸಿಐಡಿ ಆಫೀಸ್‌ನಲ್ಲಿ ದಾಖಲಾತಿ
ಇರುವುದಿಲ್ಲ.

The evidence of P.W.10 as above clearly shows that P.W.10 was working along with Sagar, Srikanth and accused No.3. Therefore, the allegations made against the accused No.3 alone are found to be false.

In further cross-examination P.W.10 has deposed to the following effect:

ಸುರೇಶ್ ಅವರು ನಮ್ಮ ಕಂಪನಿಯಲ್ಲಿ
ಕೆಲಸ ಮಾಡುತ್ತಿರಲಿಲ್ಲ. ಸುರೇಶ್ ನಮ್ಮ
ಆಫೀಸ್‌ನಲ್ಲಿ ಸರ್ವರ್ ಮೆಂಟೇನೆನ್ಸ್ ಕೆಲಸ
ಮಾಡುತ್ತಿದ್ದರು. ಸುರೇಶ್ ಅವರಿಗೆ ಎ.ಎಂ.ಸಿ
ಕೊಟ್ಟಿರುವ ಬಗ್ಗೆ ನನಗೆ ಗೊತ್ತಿಲ್ಲ.

The evidence of P.W.10 as above runs contrary to the contention taken by the complainant with regard to the employment of accused No.3 in MASTEEK company. The evidence of P.W.10 is not consistent and is not sufficient to prove that the accused No.3 was responsible and he was entrusted the work in recording the programme of interrogation in the office of the CID.

31. In further cross-examination P.W.10 has deposed to the following effect:

ಸಿಐಡಿ ಹೆಚ್ ಕ್ವಾರ್ಟರ್‌ನಲ್ಲಿ ಸುರೇಶ್ ಅವರು ಸಾಫ್ಟ್‌ವೇರ್ ಇನ್‌ಸ್ಟಾಲೇಶನ್ ಮತ್ತು ಕನ್‌ಫಿಗರೇಶನ್ ಕೆಲಸ ಮಾಡಿದ್ದರು. ಆ ಕೆಲಸ ಮೂರು ದಿನ ನಡೆಯಿತು. ಆ ಮೂರು ದಿನ ಎಂದರೆ 22, 23, 24 ಏಪ್ರಿಲ್ 2010 ಆಗಿತ್ತು ಆ ಮೂರು ದಿನ ನಾನು ಮತ್ತೇ ಸುರೇಶ್ ಸಿಐಡಿ ಹೆಡ್ ಕ್ವಾರ್ಟರ್‌ಗೆ ಒಟ್ಟಿಗೆ ಹೋಗಿ ಬರುತ್ತಿದ್ದೆವು.

ಆ ದಿನ ಅಲ್ಲಿ ಏನು ಇಂಟ್ರಾಗೇಷನ್ ನಡೆಯುತ್ತಿತ್ತು ಎಂದು ನನಗಾಗಲಿ, ಸಾಗರ್‌ಗಾಗಲಿ, ಸುರೇಶ್‌ಗಾಗಲಿ ಮತ್ತು ಶ್ರೀಕಾಂತ್‌ಗಾಗಲಿ ಗೊತ್ತಾಗಿರುವುದಿಲ್ಲ.

ಈ ಪ್ರಕರಣದಲ್ಲಿ ನಾನು ಮತ್ತು ವಿಜಯ್ ಎಫ್.ಐ.ಆರ್‌ನಲ್ಲಿ ಆರೋಪಿಗಳಾಗಿದ್ದೆವು ಎಂದರೆ ನನಗೆ ಗೊತ್ತಿಲ್ಲ.

The categorical admission of P.W.10 as above is not sufficient to prove that the accused No.3 was responsible for

recording important interrogation of Nithyanada by the interrogation officers in the CID office, because as admitted by P.W.10 and also records reveals that not only the accused No.3 but also other employees including P.W.10 and C.W.6 were also working in the interrogation room, but the accused No.3 only implicated in the present case to escape from the punishment by the P.W.1's company and other officials.

In further cross-examination P.W.10 has deposed that the police have not seized anything in their presence. Similarly, P.W.10 has deposed in cross-examination in page No.5 to the following effect:

ನಾನು ನೋಡಿದಾಗ ದಿನಾಂಕ:
 26-04-2010 ರಂದು ಸುರೇಶ್ ಅವರು
 ನಿತ್ಯಾನಂದ ಸ್ವಾಮಿ ಮಲಗಿರುವ ಒಂದು
 ಕ್ಲಿಪಿಂಗ್‌ನ್ನು ನೋಡುತ್ತಿದ್ದನು. ನಾನು ನಿತ್ಯಾನಂದ
 ಸ್ವಾಮಿಯನ್ನು ಈ ಮುಂಚೆ ನೋಡಿರುವುದಿಲ್ಲ.
 ನಿತ್ಯಾನಂದ ಸ್ವಾಮಿಯ ಕ್ಲಿಪಿಂಗ್ ಎಂದು ನನಗೆ
 ಹೇಗೆ ಗೊತ್ತಾಯಿತು ಎಂದರೆ ನನಗೆ ಕ್ಲಿಪಿಂಗ್‌ನ್ನು
 ಪಾಸಾ-9 ರವರ ಕ್ಯಾಬಿನ್ ನಲ್ಲಿ ನೋಡುತ್ತಿದ್ದರು.

ಅವರು ನೋಡುತ್ತಿದ್ದಾಗ ಅವನು ಮತ್ತು
ಮೆಡಮ್ ಇದ್ದೇವು ಬೇರೆಯಾರು ಇರಲಿಲ್ಲ.
ಸುರೇಶ್ ಅವರು ನೋಡುತ್ತಿದ್ದ ಕ್ಲಿಪ್ಪಿಂಗ್‌ಗೆ
ಟಿವಿಯಲ್ಲಿ ಬಂದಿತ್ತೋ ಇಲ್ಲವೋ ನನಗೆ ಗೊತ್ತಿಲ್ಲ.

The clear evidence of P.W.10 as above is not sufficient to prove that the accused No.3 was responsible for disclosing the interrogation clippings and the same was relayed in TV9. P.W.10 has not whispered anything about the accused Nos.6 to 8.

32. C.W.15 is examined as P.W.11 who is a bank officer who has deposed with regard to furnishing of some documents as requested by the Investigating Officer. In chief-examination he got marked certain documents as Exs.P10 to P12. Mere marking of those documents is not sufficient to prove the guilt of the accused persons.

33. C.W.13 is examined as P.W.12 who has deposed that the police have seized certain articles and conducted the

mahazar as per Ex.P13. It is admitted by P.W.12 that the police have seized hard disc in his presence.

34. The learned counsel appearing for the accused has cross-examined P.W.12 in detail. In the course of cross-examination P.W.12 has deposed to the following effect:

ನಿಪಿ-13 ರಲ್ಲಿ ಬರೆದಿರುವ
ವಿಷಯವನ್ನು ನಾನು ಓದಿರುವುದಿಲ್ಲ. ನಿಪಿ-13
ಅನ್ನು ಯಾರು ಬರೆದಿರುತ್ತಾರೆ ಎಂದು ನನಗೆ
ಗೊತ್ತಿಲ್ಲ. ನಿಪಿ-13ಕ್ಕೆ ಯಾರ್ಯಾರು ಸಹಿ
ಮಾಡಿರುತ್ತಾರೆ ಎಂದು ನನಗೆ ಗೊತ್ತಿಲ್ಲ.

ಮು.ಮಾ-1 ಇದ್ದ ಕವರನ್ನು ಮಾತ್ರ
ಪೊಲೀಸರು ನನಗೆ ತೋರಿಸಿರುತ್ತಾರೆ. ಕವರೊಳಗೆ
ಏನು ಇತ್ತು ಎಂದು ಪೊಲೀಸರು
ತೋರಿಸಿರುವುದಿಲ್ಲ. ಮು.ಮಾ-1 ಇದ್ದ ಕವರ್
ಮೇಲೆ ನಾನು ಯಾವುದೇ ಸಹಿ
ಮಾಡಿರುವುದಿಲ್ಲ. ಇದಾದ ನಂತರ ನಾನು
ಸೈಬರ್ ಕ್ರೈಂ ಆಫೀಸ್‌ಗೆ ಹೋಗಿರುವುದಿಲ್ಲ.

ಈ ಕೇಸಿಗೆ ಸಂಬಂಧ ನನಗೇನು
ಗೊತ್ತಿರುವುದಿಲ್ಲ ಮತ್ತು ಪೊಲೀಸರು ಹೇಳಿದಂತೆ
ನಿಪಿ-13ಎ ಸಹಿಯನ್ನು ಮಾಡಿರುತ್ತೇನೆ ಎಂದರೆ
ಸರಿ.

The categorical admission of P.W.12 as above is not at all sufficient to prove that the disputed CDs seized from the possession of accused No.3 and accused No.3 was responsible for illegal possession of said CDs. As already discussed above, absolutely there is no material evidence to prove that the accused No.3 was in possession of the disputed CDs and there is no material to prove that the accused No.3 has handed over those CDs to TV 9 to re-telecast.

35. C.W.16 is examined as P.W.13, who is a Manager of Visveshwaraiah Co-operative Bank who has deposed that he has produced certain documents as requested by the Investigating Officer and got marked certain documents as per Exs.P14 to P19. Those documents are account opening forms and bank statements. The evidence of P.W.13 is not

sufficient to establish that the accused No.3 has committed the alleged offences, except marking of certain documents.

36. C.W.19 is examined as P.W.14 who is a Police Constable of CID office who has deposed with regard to the interrogation of Nithyananda by the CID officers and further deposed in chef-examination to the following effect:

ಮಾಸ್ಟೇಕ್ ಕಂಪನಿಗೆ ಸೇರಿದ ಸುರೇಶ್
ಎನ್ನುವವರು ಓಡಾಡುತ್ತಿದ್ದರು ಅವರು
ನ್ಯಾಯಾಲಯದ ಮುಂದಿರುವ 3ನೇ
ಆರೋಪಿಯಾಗಿರುತ್ತಾನೆ. 3ನೇ ಆರೋಪಿ ಏಕೆ
ಬಂದಿದ್ದ ಎಂದರೆ ಅಲ್ಲಿ ಸಿಸಿಟಿವಿ ಕೆಲಸ
ನಡೆಯುತ್ತಿತ್ತು.

The evidence of P.W.14 as above clearly shows that the accused No.3 was present near the interrogation room, but his evidence is not specific that the accused No.3 was recording the said event.

37. In fact in cross-examination the learned counsel appearing for the accused No.3 has cross-examined P.W.14

in detail. In the course of cross-examination in page No.2

P.W.14 has deposed to the following effect:

ದಿ. 24.4.2010 ರಂದು ನಿತ್ಯಾನಂದ ಸ್ವಾಮಿ
ಸೆಲ್‌ನಲ್ಲಿ ಇದ್ದರು ಎಂದರೆ ಸರಿ. ಮಾಸ್ಟೇಕ್
ಕಂಪನಿಯ ಸುರೇಶ್ ಎನ್ನುವವರನ್ನು ಮಾತ್ರ ನಾನು
ನೋಡಿರುತ್ತೇನೆ ಬೇರೆ ಯಾರನ್ನು ನಾನು
ನೋಡಿರುವುದಿಲ್ಲ. ಅವರೊಬ್ಬರೇ ಕೆಲಸ
ಮಾಡುತ್ತಿದ್ದರಾ ಅವರ ಜೊತೆ ಬೇರೆಯವರು ಕೆಲಸ
ಮಾಡುತ್ತಿದ್ದರ ಎನ್ನುವ ವಿಚಾರ ನನಗೆ ಗೊತ್ತಿಲ್ಲ
ಎಂದರೆ ಸರಿ.

ಇಂಟ್ರಾಗೇಷನ್ ರೂಂನಲ್ಲಿ ಇಂಟ್ರಾಗೇಷನ್
ಮಾಡುವರು ಮಾತ್ರ ಇದ್ದರು ಬೇರೆಯವರು
ಯಾರೂ ಇರಲಿಲ್ಲ ಎಂದರೆ ಸರಿ.

The unequivocal admission of P.W.14 as above clearly establishes and proves that the accused No.3 was entrusted only for installation of CCTV, but not video recoding of interrogation.

38. C.W.24 is examined as P.W.15 who is a Legal officer of Udaya TV. In the course of chief-examination P.W.15 has

deposed that as requested by the COD officer they have given a report and stated that on 3-5-2010 at about 10-30 p.m. to 11 p.m. they have telecasted the red alert programme. In order to disprove that the accused No.3 was not responsible for telecasting the said programme, the learned counsel appearing for the accused No.3 has cross-examined P.W.15 in brief, in which P.W.15 has deposed in para No.2, page No.2 to the following effect:

ನಿಪಿ-28ರಲ್ಲಿ ನಾನು ರಾತ್ರಿ 10.30 ರಿಂದ
11.00 ಗಂಟೆಯವರೆಗೆ ರೆಡ್‌ಆರ್ಟ್ ಪೋಗಾಂ
ಪ್ರಸಾರ ಆಗಿರುತ್ತದೆ ಎಂದು ಹೇಳಿರುವುದಿಲ್ಲ. ಆ
ತರಹ ಮೊದಲನೆ ಬಾರಿಗೆ ನ್ಯಾಯಾಲಯದಲ್ಲಿ
ಹೇಳುತ್ತಿದ್ದೆನೆ ಎಂದರೆ ಸರಿ.

ನಿತ್ಯಾನಂದ ರವರ ದಿನಾಂಕ 3.5.10ರ
ಪೋಗಾಂ ನಮ್ಮ ಉದಯ ಚಾನಲ್ ಅಲ್ಲದೆ
ಬೇರೆ ಚಾನಲ್‌ನಲ್ಲಿ ಕೂಡ ಪ್ರಸಾರ ಆಗಿರುತ್ತದೆ
ಎಂದರೆ ಸರಿ.

The categorical admission of P.W.15 as above clearly shows that the accused No.3 was not at all responsible and

he has not given any clippings to TV 9 for telecasting the clippings of interrogation of Nithyananda by the CID office in TV9 under the caps of Red alert. Therefore, the evidence of P.W.15 is also not sufficient to prove the guilt of the accused No.3 and P.W.15 has not whispered anything about the accused No.6 to 9.

39. C.W.20 is examined as P.W.16 who is a Police Inspector of CID office who has deposed that three people of the MASTEEL company were engage in installation of CCTV, computer audio and video near interrogation room. This evidence is not sufficient to prove that the accused No.3 is responsible for telecasting of said alleged programme. The learned counsel appearing for the accused has cross-examined P.W.16 in detail, in which P.W.16 has deposed in page No.2, para No.3 to the following effect:

ಸದರಿ ಪ್ರಕರಣದ ಬಗ್ಗೆ ಎಸಪಿ ಅವರು
ಕೊಟ್ಟಿರುವ ಮೇಮೋಗೆ ನಾನು ನನ್ನ
ರುಜುವನ್ನು ಹಾಕಿರುತ್ತೇನೆ. ಆ ಮೇಮೋದಲ್ಲಿ
ನನ್ನ ಎಸ್ಕಾರ್ಟ್ ಡ್ಯೂಟಿ ಇಂಟರಾಗೇಷನ

ಕೊಠಡಿ ಮತ್ತು ಲಾಕಪ್‌ನಲ್ಲಿ ಎಂದು
ಬರೆದಿರುವುದಿಲ್ಲ.

The evidence of P.W.16 is not sufficient to prove that he was present on the alleged date.

In further cross-examination P.W.16 has deposed in page No.3 to the following effect:

ಆದರೆ ಇಂಟರ್‌ವ್ಯೂ ಕೊಠಡಿಯ
ಪಕ್ಕದಲ್ಲಿರುವ ಹಾಲ್‌ನಲ್ಲಿ ಸಿಸಿ ಕ್ಯಾಮರಾ,
ವೀಡಿಯೋ, ಆಡಿಯೋ ಸೆಟ್‌ಅಪ ಮಾಡುತ್ತಿರುವ
ಕಂಪೆನಿಯವರು ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದರು ಎಂದು
ಹೇಳುತ್ತಾರೆ. ಆ ಸಮಯದಲ್ಲಿ ಮಾಸ್ಕಿಕ್
ಕಂಪೆನಿಯ 3ನೇ ಆರೋಪಿ ಸುರೇಶ್ ಮತ್ತು
ಇನ್ನಿಬ್ಬರು ಇದ್ದರು ಇನ್ನಿಬರ ಹೆಸರು ನನಗೆ
ಗೊತ್ತಿಲ್ಲ.

ನಾನು ನನ್ನ ಹೇಳಿಕೆಯಲ್ಲಿ ಸುರೇಶ್
ಅಲ್ಲದೆ ಮಾಸ್ಕಿಕ್ ಕಂಪೆನಿಯ 2-3 ಜನ ಇದ್ದರು
ಎಂದು ಹೇಳಿರುತ್ತೇನೆ ಎಂದರೆ ಸರಿ.

The categorical admission of P.W.16 as above clearly shows that not only the accused No.3 but other persons of

the said company were working in the installation of concerned equipments in interrogation room. This evidence of P.W.16 is not sufficient to prove that the accused No.3 or accused No.s6 to 8 were recording the interrogation programme and they have given CD or pen drive to TV9 to re-telecast the programme.

40. C.W.17 is examined as P.W.17 who is a Interrogation Officer of Nithyananda in Crime No.31/2010 and he has deposed with regard to the allegations made against the accused persons. To test the veracity of P.W.17, the learned counsel appearing for the accused has cross-examined P.W.17 in detail. In the course of cross-examination, P.W.17 has categorically admitted that he was in CID lock up between 22-4-2010 to 30-4-2010.

In further cross-examination P.W.17 has deposed to the following effect:

ನಾನು	interrogation	ಬೆಳಿಗ್ಗೆ
ಮಾಡಿದನೋ,	ಮಧ್ಯಾಹ್ನ	ಮಾಡಿದನೋ,

ಸಾಯಂಕಾಲ ಮಾಡಿದ್ದೇನೋ ಎಂದರೆ ನನಗೆ ಇಷ್ಟ
ಬಂದಾಗ ಮಾಡಿರುತ್ತೇನೆ. ನಾನು ಸ್ವತಃ ಉದಯ
ಟಿವಿಯ red alert programme ನಲ್ಲಿ
ನಿತ್ಯಾನಂದ ಸ್ವಾಮಿಯ ದೃಶ್ಯಗಳನ್ನು ನೋಡಿಲ್ಲ.

The evidence of P.W.17 as above is not sufficient to
prove that the accused No.3 has committed the alleged
offences.

It is further deposed by P.W.17 in the
cross-examination in page No.3 to the following effect:

ಈ ಕೇಸಿನ FIRನ್ನು ಓದಿದಾಗ ನನಗೆ
ಸುರೇಶ್ ಅವರು ಸಿಸಿ ಟಿವಿ ಯಲ್ಲಿ
interrogation ಮಾಡಿದ clipping ಗಳನ್ನು
ಕಳವು ಮಾಡಿಕೊಂಡು ಹೋಗಿದ್ದಾರೆ ಎಂದು
ಗೊತ್ತಾಯಿತು.

Interrogation room ನ ಹೊರಗಡೆ
ಸುರೇಶ್ ಇರುವುದನ್ನು ನಾನು ನೋಡಿದ್ದೇನೆ.

The evidence of P.W.17 as above is not at all
sufficient to prove or fasten the liability on the accused No.3
that he has taken away the clippings of interrogation

supplied the same to TV for telecast. As admitted by P.W.17, the accused No.3 was standing outside the interrogation room. When that being the case, how it is possible for accused No.3 to commit the theft of interrogation clippings and supplied the same to TV9. Therefore, the evidence of P.W.17 is also not sufficient to prove the guilt of the accused No.3.

41. C.W.21 is examined as P.W.18 who is a Detective Inspector in CID office. In chief-examination itself P.W.18 has deposed to the following effect:

ಅದರಂತೆ ನಾನು Interrogation
room ಗೆ ಹೋದಾಗ ವೆಂಕಟೇಶ್, ಶ್ರೀಕಾಂತ್,
ಸುರೇಶ್ ಹಾಗೂ ಇತರರು ಸಿಸಿ ಟಿವಿ
ಅಳವಡಿಕೆ ಮತ್ತು recording ಕೆಲಸ
ಮಾಡುತ್ತಿದ್ದರು.

The evidence of P.W.18 clearly shows that the accused No.3 and other persons namely Venkatesh, Srikanth, Suresh and others were recording the interrogation in the interrogation room. But except the accused No.3, none

others have made as accused in the present case who are also present at that time and it is not deposed that without the knowledge of P.W.18, the accused No.3 has taken away the clippings of the said interrogation.

42. The learned counsel appearing for the accused has cross-examined P.W.18 in detail. In the course of cross-examination P.W.8 has deposed that he was appointed for duty in the interrogation cell. When that being the case, the allegations made against the accused persons are not sustainable.

In further cross-examination P.W.18 has deposed in para No.2, page No.2 to the following effect:

ನಿತ್ಯಾನಂದ ಸ್ವಾಮಿ cell duty ಗೆ ನನ್ನನ್ನು
ನೇಮಕ ಮಾಡಿರುವುದಿಲ್ಲ.

The evidence of P.W.18 as above is not at all sufficient to prove and establish that the accused No.3 Suresh was responsible for committing the theft of interrogation clippings and supplied the same to TV9 without any authority. On the other hand, the accused No.3 was

entrusted in installation of CCTV and other audio equipments near interrogation room with other accused persons. Therefore, the evidence of P.W.18 is not sufficient to prove the guilt of the accused Nos.3 and 6 to 8.

43. In further cross-examination P.W.18 has deposed in para No.2, page No.4 to the following effect:

Red alert ಕಾರ್ಯಕ್ರಮ ಉದಯ ಟಿವಿಯಲ್ಲಿ
ಪ್ರಸಾರವಾಗಿದ್ದನ್ನು ನಾನು ನೋಡಿದ್ದೇನೆ. ನಾನು
ರಾತ್ರಿ 8.00 ಗಂಟೆಯ ಮೇಲೆ ಇದನ್ನು
ನೋಡಿರುತ್ತೇನೆ, ಯಾವ ದಿನಾಂಕ ಎಂದು ನನಗೆ
ಹೇಳಲು ಆಗುವುದಿಲ್ಲ. ಎಷ್ಟು ಹೊತ್ತು ಇತ್ತು
ಎಂದು duration ನನಗೆ ಹೇಳಲು ಆಗುವುದಿಲ್ಲ.

The evidence of P.W.18 as above is not consistent and corroborative to prove the guilt of the accused persons for the alleged offences.

In further cross-examination in page No.6, para No.1, 2 and 3, P.W.18 has deposed to the following effect:

ಏಪ್ರಿಲ್-ಮೇ 2010 ರಲ್ಲಿ
installation room ಮತ್ತು control

room ನ overall incharge ನಾನು ಇದ್ದೆನು
ಎಂದರೆ ಸರಿ.

Interrogation room ನಲ್ಲಿ
ಮತ್ತು lockup cell ನಲ್ಲಿ ಆಫೀಸರ್ಸ್ ಮತ್ತು
ನಿತ್ಯಾನಂದ ಸ್ವಾಮಿಯವರನ್ನು ಬಿಟ್ಟು ಬೇರೆ
ಯಾರೂ ಇರಲಿಲ್ಲ ಎಂದರೆ ಸರಿ.

ಸುರೇಶ್ ಅವರನ್ನು ಮೊದಲನೇ
ಬಾರಿಗೆ ನಾನು ನ್ಯಾಯಾಲಯದಲ್ಲಿ ನೋಡುತ್ತಿದ್ದೇನೆ
ಎಂದರೆ ಸರಿ.

The unequivocal and categorical admission of P.W.18
as above is very clear yjat except police officewrs and
Nithyananda, none other were not present at the time of
interrogation and hence his evidence at all sufficient to prove
the guilt of the accused Nos.3, 6 to 8.

44. C.W.18 is examined as P.W.19 who is a Policed officer
of CID office who has also deposed in similar manner as
deposed by other police officers with regard to the alleged
incident.

In cross-examination P.W.19 has deposed to the following effect:

ದಿನಾಂಕ 24.04.2010 ರಂದು ನಾನು
ಕರ್ತವ್ಯದಲ್ಲಿ ಇದ್ದ ಬಗ್ಗೆ ನ್ಯಾಯಾಲಯಕ್ಕಾಗಲೀ
ತನಿಖಾಧಿಕಾರಿಗಾಗಲೀ ಯಾವುದೇ ದಾಖಲೆ
ನೀಡಿಲ್ಲ. ಆ ದಿನ ಎಷ್ಟು ಜನ ಬಂದು
ಹೋಗುತ್ತಿದ್ದರು ಎಂದು ನನಗೆ ಗೊತ್ತಿಲ್ಲ ಎಷ್ಟು
ಜನ ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದರು ಎಂದು ನನಗೆ
ಗೊತ್ತಿಲ್ಲ. ಅಲ್ಲಿ ಸಾಪ್ಲೆ ವೇರ್ ಅಳವಡಿಸುತ್ತಿದ್ದರು.

The ignorance pleaded by P.W.19 disproves the allegations made against the accused Nos.3, 6 to 8 that they have committed the alleged offences.

45. C.W.28 is examined as P.W.20 who is a Legal Advisor of Google India Private Limited who has deposed with regard to the supply of certain documents as requested by the Investigating Officer of CID. Mere supply of certain documents is not sufficient to prove the guilt of the accused persons.

46. C.W.26 is examined as P.W.21 who has deposed that as requested by the CID, Cyber Crimes Police Station, he has furnish the IP address to the Investigating Officer, is not sufficient to prove the guilt of the accused persons in the absence of any material evidence.

47. C.W.27 is examined as P.W.22 who has also deposed with regard to the furnishing of certain details as sought by the Investigating Officers as per Exs.P36 to P40.

The learned counsel appearing for the accused has cross-examined P.W.22 in detail. It is further deposed by P.W.22 that for the first time he has seen Ex.P34 before the court. It is also admitted in the cross-examination that he has no knowledge that how IP address will be created. It is further deposed by P.W.22 in page No.3 to the following effect:

ನಿಖ-34 ರಲ್ಲಿ ನಾನು ಇಮೇಲ್ ಮುಖಾಂತರ
ಕಳುಹಿಸಿರುವ ಇನ್‌ಪಾರ್‌ಮೇಶನ್ ನಲ್ಲಿ ನಿಖ-33 ರಲ್ಲಿ
ತೋರಿಸಿರುವ ಐಪಿ ಅರ್ಡೆಸ್ ನ್ನು ಮೋಹನ್
ರವರು ಉಪಯೋಗಿಸುತ್ತಿದ್ದರು ಎಂದು ಹೇಳಿರುವುದಿಲ್ಲ.

ಸಾಪ್ತಾಹಿಕವೇರಾ ಟೀಮಾರವರು ಕೊಟ್ಟ ಡಾಟಾದಲ್ಲಿ ಐಪಿ
ಅರ್ಡೆಸ್‌ನ್ನು ಮೋಹನ್‌ರವರು ಉಪಯೋಗಿಸುತ್ತಿದ್ದರು
ಎಂದು ಹೇಳಿರುವುದಿಲ್ಲ ಎಂದರೆ ನಿಜ.

The categorical admission of P.W.22 as above is not sufficient to prove that Exs.P34 and P33 are pertains to Mohan i.e., accused No.7. It is further deposed by P.W.22 that he cannot identify the accused No.7 before the court. Therefore, the evidence of P.W.22 is also not sufficient to prove the guilt of the accused persons. It is also admitted by P.W.22 in page No.5 that Ex.P32 does not bear the date. Therefore, it creates a doubt with regard to the contents of same. Therefore, the evidence of P.W.22 is not at all sufficient to prove the guilt of the accused persons for the alleged offences.

48. C.W.28 is examined as P.W.23. P.W.23 has adduced his evidence in detail and also cross-examined by the learned counsel for accused at length. The perusal of records reveals that further cross-examination of P.W.23 was deferred, but subsequently P.W.23 has not appeared before

the court for subjecting him for cross-examination. Therefore, as per order dated 22-2-2018, P.W.23 was discharged. Therefore, the evidence of P.W.23 is incomplete and same cannot be considered.

49. In this regard, this court has relied on the judgment of the Hon'ble High Court of Karnataka in the case of Sannarevanappa Bharamajappa Kalal Vs. State of Karnataka, reported in ILR 1990 KAR 1205, wherein their lordship has held that,

"CRIMINAL PROCEDURE
CODE, 1973 (Central Act No.2 of
1974)-Section 319-Complete
'evidence' calls for cross-
examination not examination-in-
chief alone-If witness does not
submit to cross-examination after
examination-in-chief Court
precluded from acting on such
incomplete evidence".

Therefore, in view of the law laid down in the above said judgment, the evidence of P.W.23 cannot be considered to prove the guilt of the accused. Hence, the evidence of P.W.23 is not sufficient to prove the guilt of the accused persons. The evidence of P.W.23 runs 16 pages. But his evidence is incomplete to prove the guilt of the accused persons beyond all reasonable doubt.

50. C.W.29 is examined as P.W.24. P.W.24 is a Police Inspector of Cyber Crime Police Station. He has deposed with regard to obtaining of certain documents from Legal Manager of Udaya TV and also obtained the bank accounts of the accused No.3 and produced those documents before the court and got marked Exs.P17 to P52. The learned counsel appearing for the accused has cross-examined P.W.24 in detail. It is also admitted by P.W.24 that the present case was earlier registered against MASTEER Company and its owner one Vijay. But the record reveals otherwise, because after investigation the said Vijay has made as prosecution witness instead of accused. Having

regard to the evidence adduced in the present case, it is clear that the entire work of installation of CCTV and recording of video of interrogation of Nithyananda by CID officers, was entrusted to said MASTEER Company. Therefore, the owner of the said company is responsible and it is his bounden duty to kept interrogation event in confidence and done the work entrusted to him. In fact it is the duty of proprietor of MASTEER company to have control over his employees, who are entrusted in recording of video. It is also brought to the notice of the court that the proprietor of MASTEER company was made as a accused in the FIR. However, as already discussed above and in view of the evidence adduced by the prosecution witnesses and in order to escape from the liability of the punishment, the accused Nos.3, 6 to 8 herein have implicated falsely in the present case.

51. It is further deposed by P.W.24 in cross-examination in page No.3 and 4 to the following effect:

ನಾನು ಸಂಬಂಧಪಟ್ಟ ವ್ಯಕ್ತಿಗಳಿಗೆ
 ಉದಯ ಟಿವಿ ಹಾಗೂ ಸಿಂಚನ ಮಿಡಿಯಾ
 ಇವರ ನಡುವೆ ಸದರಿ ಪ್ರೋಗ್ರಾಮ್‌ನ್ನು
 ಟೆಲಿಕಾಸ್ಟ್ ಮಾಡುವ ಕರಾರು ಪತ್ರದ ಮೂಲ
 ಪ್ರತಿಯನ್ನು ಹಾಗೂ ಅದರ ದೃಢೀಕೃತ ನಕಲನ್ನು
 ಕೇಳಿದ್ದು ಆದರೆ ಅವರು ನನಗೆ ಕೊಟ್ಟಿರುವುದಿಲ್ಲ.

The evidence of P.W.24 as above clearly shows that the important piece of documentary evidence is not produced before the court to ascertain that there was an agreement between the Udaya TV and Sinchana Media to telecast the Red alert programme. Therefore, non-production of said important piece of documentary evidence is fatal to the case of the prosecution. It is also admitted in cross-examination in page No.4 to the following effect:

ನಾನು ಸದರಿ ಸಿಡಿ ಹಾಗೂ ಟೀಪ್‌ನ
 ಮೂಲ ಪ್ರತಿಯನ್ನು ಪಡೆದುಕೊಂಡಿರುವುದಿಲ್ಲ
 ಎಂದರೆ ಸರಿ. ನನ್ನ ಹಿಂದಿನ

ತನಿಖಾಧಿಕಾರಿಯವರು ಸದರಿ ಸಿಡಿ ಅಥವಾ
 ಟೇಪ್‌ನ್ನು ಯಾವ ರೀತಿ
 ಪಡೆದುಕೊಂಡಿರುತ್ತಾರೆ ಎಂದು ಸಾಕ್ಷ್ಯ
 ಅಧಿನಿಯಮ ಕಲಂ 65 ಬಿ ರಲ್ಲಿ
 ಸರ್ಟಿಫಿಕೇಟ್‌ನ್ನು ಸಲ್ಲಿಸಿರುವುದಿಲ್ಲ.

The evidence of P.W.24 is not at all sufficient to prove and establish that how CD and tapes were seized so as to prove the allegations made against the accused persons.

52. In further cross-examination in page No.5, para No.1, P.W.24 has deposed to the following effect:

ನಾನು ಸದರಿ ಸ್ಪೆಷಲ್‌ಮೆಂಟನ್ನು ಪರಿಶೀಲನೆ
 ಮಾಡಿದಾಗ ಅದರಲ್ಲಿ 3ನೇ ಆರೋಪಿಗೆ ಯಾವುದೇ
 ಹಣವನ್ನು ಸಂದಾಯ ಮಾಡಿರುವುದಿಲ್ಲ ಎಂದು
 ಕಂಡುಬಂದಿರುತ್ತದೆ ಎಂದರೆ ಸರಿ.

The categorical admission of P.W.24 as above clearly establishes that absolutely the accused No.3 has not at all received any amount from anybody so as to link the fact that he has supplied video clippings to Udaya TV for telecast. It is also admitted by P.W.24 that in Exs.P37 to 40, the name of

the accused No.7 is mentioned. In fact it is admitted by P.W.24 that there is a mention in Ex.P37 that one M.Shivashankar is the director of Axis Computer Solutions Private Limited. Therefore, those documents are not sufficient to prove the guilt of the accused Nos.3, 6 to 8. Therefore, viewed from any angle, the evidence adduced by P.Ws.1 to 24 is not at all sufficient to prove the guilt of the accused Nos.3, 6 to 8 that they have committed the offences punishable under Sections 120(B) and 379 of I.P.C and under Sections 66, 66(B) and 84(C) of Information Technology Act, 2000 beyond all reasonable doubt. Hence, it is held that the accused Nos.3, 6 to 8 are entitled for acquittal for the alleged offences. Accordingly, I answer point No.1 in the **negative**.

53. **Point No.2:-** In view of my answer on the point No.1, I proceed to pass the following:

ORDER

The accused Nos.3, 6 to 8 are not found guilty for the offences punishable under Sections 120(B) and 379 of I.P.C

and under Sections 66, 66(B) and 84(C) of Information Technology Act, 2000. Therefore, they are acquitted for the said offences under Section 248(1) Cr.P.C.

The bail and surety bonds of the accused Nos.3, 6 to 8 stands cancelled.

M.Os.1 to 7 is ordered to be destroyed after appeal period is over.

(Dictated to the stenographer directly on computer, typed by her, revised and then corrected by me and then pronounced in open court on this the 11th day of July 2018).

(V.Jagadeesh)
I Addl. CMM., Bengaluru.

ANNEXURE

List of witnesses examined on behalf of prosecution:-

P.W.1,	Sundaramurthy,
P.W.2,	Krishnoji Rao,
P.W.3,	K.P. Bhimaiah,
P.W.4,	Narayan S Kadivar,
P.W.5,	Sathish K.P,
P.W.6,	T.R. Vijay,
P.W.7,	Rajesh Thengali,
P.W.8,	Sagar S,
P.W.9,	Vanitha D.S,
P.W.10,	Venkatesh,

P.W.11,	Panduranga R.S,
P.W.12	Krishna,
P.W.13,	Nanjundaswamy. N,
P.W.14,	K. Lakshmi Narayan Rao,
P.W.15,	Harsha K,
P.W.16,	Sridhar Poojar,
P.W.17,	K.M. Yogappa,
P.W.18,	Vivekanandha Thulasigere,
P.W.19,	P. Umesh,
P.W.20,	Gitanjali Duggal,
P.W.21,	Sheshu Chilukuri,
P.W.22,	B. Babu,
P.W.23,	Vinayak Nagendrappa,
P.W.24,	M.R. Harish;

List of documents marked on behalf of prosecution:-

Ex.P1,	Seizure Mahazar,
Ex.P1(a),	Signature of P.W.1,
Ex.P1(b),	Signature of P.W.2,
Ex.P1(c),	Signature of P.W.23,
Ex.P2,	Complaint,
Ex.P2(a),	Signature of P.W.2,
Ex.P3,	Requisition,
Ex.P4,	Covering letter,
Ex.P4(a),	Signature of P.W.3,
Ex.P5,	Certified copy of letter addressed to Executive Engineer,
Ex.P6,	Line estimate for interrogation room in CID office,
Ex.P7,	Handing over list of electrification and CCTV security for works,
Ex.P8	Reminder,
Ex.P9,	Seizure mahazar,
Ex.P9(a),	Signature of PW4,
Ex.P9(b),	Signature of PW5,
Ex.P9(c),	Signature of PW23,

Ex.P10,	Covering Letter from PW1,
Ex.P10(a),	Signature of P.W.11,
Ex.P11,	Covering letter,
Ex.P11(a),	Signature of P.W.11,
Ex.P12,	Computer generated account statement,
Ex.P12(a),	Signature of P.W.11,
Ex.P13,	Seizure mahazar,
Ex.P13(a),	Signature of P.W.12,
Ex.P14,	Requisition given by COD,
Ex.P14(a),	Signature of P.W.13,
Ex.P15 ,	Bank statement of accused No.3,
Ex.P15(a),	Signature of P.W.13,
Ex.P16,	Shreya Infotech statement,
Ex.P16(a),	Signature of P.W.13,
Ex.P17,	Requisition given by COD,
Ex.P17(a),	Signature of P.W.13,
Ex.P18,	Covering letter,
Ex.P18(a),	Signature of P.W.13,
Ex.P19,	Certified copy of account opening form Of accused No.3,
Ex.P19(a),	Signature of P.W.13,
Ex.P20,	Copy of PAN card of accused No.3,
Ex.P20(a),	Signature of P.W.13,
Ex.P21,	Ration card of accused No.3,
Ex.P21(a),	Signature of P.W.13,
Ex.P22,	Driving licence of accused No.3,
Ex.P22(a),	Signature of P.W.13,
Ex.P23,	Certified copy of requisition,
Ex.P23(a),	Signature of P.W.13,
Ex.P24,	Account opening form of accused No.3,
Ex.P24(a),	Signature of P.W.13,
Ex.P25,	Certified copy of Form No.60,
Ex.P25(a),	Signature of P.W.13,
Ex.P26,	Certified copy of driving licence,
Ex.P26(a),	Signature of P.W.13,
Ex.P27,	Covering letter,
Ex.P27(a),	Signature of P.W.15,

Ex.P28,	Letter head from Udaya TV,
Ex.P28(a),	Signature of P.W.15,
Ex.P28(b),	Signature of P.W.24,
Ex.P29,	L.G. book,
Ex.P29(a),	Entry of page,
Ex.P29(b),	Signature of P.W.16,
Ex.P30,	Requisition submitted by Cyber Crime Police,
Ex.P31,	E-mail printout dated 6-5-2010,
Ex.P32,	E-mail printout,
Ex.P33,	IP address,
Ex.P34,	Letter of details,
Ex.P35,	Covering letter,
Ex.P35(b),	Signature of P.W.24,
Ex.P36 & Ex.P37,	Certified copies of customer application forms,
Ex.P38,	Incorporation certificate,
Ex.P39,	Certified copy of service tax registration certificate,
Ex.P40,	Certified copy of BSNL telephone bill,
Ex.P41,	FIR,
Ex.P41(a),	Signature of P.W.23,
Ex.P42,	Requisition to PWD Department,
Ex.P43,	Requisition to MASTEEK company,
Ex.P44,	Requisition to S.P. Special Enquiry,
Ex.P45,	Requisition to Nodal officer, Dishnet Limited,
Ex.P46,	Requisition dated 28-6-2010,
Ex.P47,	Report of C-DAC dated 11-11-2010
Ex.P47(a),	Signature of P.W.23,
Ex.P48,	CCB Guard book,
Ex.P49,	Requisition to Legal Manager, Udaya TV,
Ex.P49(a),	Signature of P.W.24,
Ex.P50,	Requisition to Manager, North East,
Ex.P50(a),	Signature of P.W.24,

Ex.P51, Printout of letter,
Ex.P52, Certified issued by P.W.24 u/Sec.65(b),
Ex.P52(a), Signature of P.W.24,

Material Objects Produced:-

M.O.1 and
M.O.2, Hard discs,
M.O.3, Pendrive,
M.O.4, CD,
M.O.5, Hard disc,
M.O.6, Nokia mobile,
M.O.7, SIM card;

Witnesses examined on behalf of the defence:NIL

List of documents marked on behalf of the defence:-NIL

(V.Jagadeesh)
I Addl. CMM., Bengaluru.

11/7/2018

State by Sr.APP
Accused Nos.3, 6 to 8 C/B
For Judgment

(Judgment pronounced in the Open Court)

ORDER

The accused Nos.3, 6 to 8 are not found guilty for the offences punishable under Sections 120(B) and 379 of I.P.C and under Sections 66, 66(B) and 84(C) of Information Technology Act, 2000. Therefore, they are acquitted for the said offences under Section 248(1) Cr.P.C.

The bail and surety bonds of the accused Nos.3, 6 to 8 stands cancelled.

M.Os.1 to 7 is ordered to be destroyed after appeal period is over.

I ACMM, Bengaluru.

