



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 8670 OF 2026

BETWEEN:

SRI. PRASHANTHA @ KENCHA,
S/O LATE RAMAKRISHNAGOWDA,
AGED ABOUT 31 YEARS,
NO.128, TOPPANAHALLI,
MADDUR, MANDYA,
KARNATAKA - 571 428.

...PETITIONER

(BY SMT. RADHIKA M., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY KUMBALAGUDU POLICE STATION,
RAMANAGARA - 562 119.

REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.

2. SRI. VARUN KUMAR,
S/O SRI.KUMAR,
AGED ABOUT MAJOR,
R/AT NO.71,
HEMMIGEPURA,
KENGARI HOBLI,

Digitally signed
by
PADMAVATHI B
K
Location: High
Court of
Karnataka





BANGALORE SOUTH TQ.,
BANGALORE - 560 056.

...RESPONDENTS

(BY SMT.WAHEEDA M.M., HCGP FOR R1)

THIS CRL.P. IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNNS) PRAYING TO QUASH THE PROCEEDINGS IN CC NO.3394/2018 (CRIME NO.471/2016) FOR THE OFFENCES U/S 143, 147, 148, 323, 504, 324, 506, 307 R/W 149 OF IPC WHICH IS PENDING BEFORE THE II ADDL. CJM BENGALURU OF KUMBALAGUDU POLICE STATION, BANGALORE.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioner is before the court calling in question continuance of C.C.No.3394/2018 on a split charge drawn against him. The petitioner is drawn as accused No. 8.

2. The petitioner along with others get embroiled in a crime in Crime No.471/2016 for offences punishable under Section 143, 147, 148, 323, 324, 504, 506, 307 r/w Section 149 of IPC.



3. The police conducted investigation and filed a charge sheet against all the accused in C.C.No.3363/2017. The petitioner was not available for trial at the relevant point in time on the score that, no summons were actually issued to the petitioner. While all others who were available for trial were tried by the concerned court and owing to the fact that the prosecution had miserably failed to prove the guilt beyond all reasonable doubt acquits the other accused.

4. The petitioner who is left in the fray for a while is only the petitioner. The reason rendered by the concerned court to acquit the other accused is as follows.

"Points 1 to 8:

12. Since the evidence relating to these points is interlinked, to avoid repeated discussion of same set of evidence, these points are taken up together for discussion.

13. In order to bring home the guilt of the accused, the prosecution in all has examined 9 witnesses as P.W.1 to P.W.9 and relied upon documentary evidence Ex.P.1 to Ex.P.15 and M.O.1 to M.O.9.

14. Ex.P.1 is the spot cum seizure panchanama. Ex.P.2 is the seizure of weapons panchanama. Ex.P.3 and Ex.P.4 are the portions of statements said to have been given by P.W.3 and P.W.4 before police. Ex.P.5 is the complaint. Ex.P.6 and Ex.P.8 are the portions of statements said to have been given by P.W.5 and P.W.8 before police. Ex.P.7 is the seizure of iron rod and stick panchanama. Ex.P.9 is



the FIR. Ex.P.10 and Ex.P.11 are relevant and admissible portions in the voluntary statements given by accused No.5 and 6. Ex.P.12 is the FSL report. Ex.P.13 to Ex.P.15 are three wound certificates.

15. P.W.1-Manoj Kumar is stated to be a panch witness to Ex.P.1 - spot mahazar. He did not support the prosecution case and therefore, he was treated hostile and cross-examined by the learned Public Prosecutor.

16. P.W.2-Manjunath is stated to be a panch witness to Ex.P.2 - seizure of clothes panchanama. He too did not support the prosecution case and hence, he was treated hostile and cross-examined by the learned Public Prosecutor.

17. P.W.3-Punith is one of the injured witnesses. It is his evidence that on 27.11.2016 at about 4 p.m., when he was near BMTC bus stand at Mariyappanapalya along with P.W.4 and P.W.5, a mob of 15 persons came from somewhere and picked up quarrel with them for flimsy reasons and started assaulting them initially by hands and later with sharp edged objects, Beer bottles and iron rods. He has stated that he does not remember whether the accused persons were also part of the mob or not. He cannot say whether any one of the accused assaulted him on the day of incident. Since he did not support the prosecution case, he was treated hostile and cross-examined by the learned Public Prosecutor and in such cross-examination, he has denied to have given statement before the investigating officer vide Ex.P.3 and also denied that he has compromised the matter with the accused party.

18. P.W.4 - Kiran is another injured witness. He has stated in the same lines as that of P.W.3. Since he failed to support the prosecution case, he was treated hostile and cross-examined by the learned Public Prosecutor and in such cross-examination he has denied of giving statement before police vide Ex.P.4 and also denied that he has compromised the matter with the accused party.

19. P.W.5-Varun Kumar is the injured complainant. It is his evidence that the accused have not picked up quarrel with him or P.W.3 or P.W.4 nor assaulted them. On the



date of the incident there was an altercation and somebody pushed them and they fell down and sustained bleeding injuries. He specifically stated that police had taken his signature on a paper and he did not read its contents and he does not know its contents. He has also denied his participation in panchanama proceedings. Therefore, the learned Public Prosecutor treated him as a hostile witness and cross-examined him. In such cross-examination he has denied to have given statement before the investigating officer vide Ex.P.6 and also denied that he has compromised the matter with the accused party.

20. P.W.6 Santhosh is a panch witness to Ex.P.7 seizure panchanama whereunder stick and iron rods were said to have been seized. But this witness did not support the prosecution case and as such, he was treated hostile and cross-examined by the learned Public Prosecutor.

21. P.W.7-Darshan is another panch witness to Ex.P.7 seizure panchanama. He too did not support the prosecution case and therefore, he was treated hostile and cross-examined by the learned Public Prosecutor.

22. P.W.8-Vachan Kumar is stated to be an independent witness. He too did not support the prosecution case. Therefore, the learned Public Prosecutor treated him hostile and cross-examined him.

23. P.W.9-Muralidhar N.K. the then Sub-Inspector of Police of Kumbalagodu police station speaks about registration of the case and issuance of FIR and conducting spot mahazar vide Ex.P.1 and seizure of iron rod, bloodstained stick, bloodstained knife, bloodstained Beer bottle M.O.1 to M.O.4 thereunder and also about seizure of bloodstained clothes M.O.5 to M.O.7 vide Ex.P.2 seizure panchanama. He also speaks about recovery of M.O.8 -rod and M.O.9-stick under Ex.P.7 panchanama at the instance of accused No.5 and 6 pursuant to their voluntary statements and on other aspects of investigation done by him and filing of charge sheet against the accused.

24. During the course of cross-examination by the learned counsel for the defence he has denied that the



panchanamas vide Ex.P.1, Ex.P.2 and Ex.P.7 are concocted in the police station as also M.O.1 to M.O.9. He has denied that he has not conducted investigation in a proper manner and his investigation is perfunctory in nature and he has filed a false charge sheet against the accused.

25. On the basis of the above evidence on record, the learned Public Prosecutor submitted that the material witnesses have not supported the prosecution case as they have compromised the matter with the accused party. He further argued that registration of complaint and investigation conducted by P.W.9 resulting in filing of charge sheet before this court are all official acts and therefore, there is a presumption available under Section 114(e) of the Indian Evidence Act and therefore, their testimony cannot be disbelieved and hence prayed for passing suitable orders.

26. Per contra, the learned counsel for the defence argued that the entire prosecution story is an ingenious concoction and therefore, the material witnesses have naturally not supported the prosecution case and thus prayed for an order of acquittal.

27. On close scrutiny of the entire evidence placed on record it is seen that the injured witnesses P.W.3 to P.W.5 and the eyewitnesses did not support the prosecution in toto. The panch witnesses to recovery panchanama and spot mahazar have also not supported the prosecution case.

28. Eschewing the above evidence on record what remains before the court is the oral testimony of the investigating agency in the form of P.W.9. But his evidence does not implicate the accused in any manner especially when the injured witnesses themselves do not implicate the accused.

29. Thus based on the evidence of the investigating agency alone, this court cannot hold that the prosecution is successful in proving the charges levelled against the accused.



30. Under the above circumstances, this court is of the considered opinion that the prosecution has failed to prove the charges levelled against the accused beyond all reasonable doubt and therefore, in the absence of any sufficient substantive and corroborative evidence on record, invariably, this court has to answer Point No.1 to 8 in the negative and accordingly, they are answered in the negative.

Point No.9:

31. In view of the findings on Points No.1 to 8 in the negative, this court is of the considered opinion that accused No.1 to 7 are entitled to be acquitted of the offences charged against them. Hence, the following order is passed:

ORDER

Acting under Section 235(1) of Cr.P.C., accused No.1 to 7 are acquitted of offences punishable under Sections 143, 147, 148, 504, 506 and 307 (on three counts) read with Section 149 of Indian Penal Code.

Accused No.1 to 7 are on bail. Their bail bonds stand cancelled and sureties are discharged.

The material objects M.O.1 to M.O.9 marked in this case are ordered to be preserved for trial of absconding accused No.8 to 10."

5. In the light of the acquittal of accused No.1 to 7 on the ground that there was no evidence for the offence under Section 307 inter alia, permitting trial against this petitioner for an eventual acquittal would become wastage of precious judicial time.



6. In that light, I deem it appropriate to excise the jurisdiction under Section 482/528 of the BNS and obliterate the crime against this petitioner.

7. In view of the above, the Criminal petition is ***allowed.***

The impugned proceedings in C.C.No.3394/2018, (arising out of Crime No.471/2016) pending on the file of the learned II Additional Chief Judicial Magistrate, Bengaluru of Kumbalagodu Police Station, insofar it relates to the petitioner-accused No. 8 herein, stands quashed.

In view of the disposal of the main petition, I.A.No.1/2026 does not survive for consideration and stands disposed of.

Ordered accordingly.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**