



CNR: KAHC010475562016

NC: 2026:KHC:54939
CRL.A No. 1264 of 2016

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 1ST DAY OF OCTOBER, 2026
BEFORE**

**THE HON'BLE MR. JUSTICE G BASAVARAJA
CRIMINAL APPEAL NO.1264 OF 2016 (A)**

BETWEEN:

1. STATE OF KARNATAKA
BY UNION OF INDIA BY
INSPECTOR/RPF,
BANGALORE CITY,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE-01.

...APPELLANT

(BY SRI. K. NAGESHWARAPPA, HCGP)

AND:

1. S RAJU
S/O LATE V.SIDDAIAH,
AGE 39 YEARS,
HEAD CONSTABLE/RPF,
CONTONMENT RAILWAY POLICE STATION,
NO.128, BANGALORE CITY-01.
2. RUDRESH
S/O MALLIKARJUNAIAH,
AGE 29 YEARS,
CHIKKABANAWARA,
BANGALORE DISTRICT-560090.
3. NAGARAJ GUPTA
S/O NANJUNDA SHETTY,
AGE 62 YEARS,
MAIN ROAD, NEAR BUS STOP,



CNR: KAHC010475562016

NC: 2026:KHC:54939
CRL.A No. 1264 of 2016

FERTILIZER AND PROVISION SHOP,
THYAMAGONDALU,
BANGALORE DISTRICT-572130.

4. SYED MUNEER
S/O LATE SYED MOHAMMED,
AGE 33 YEARS,
ASHOKNAGAR SLUM,
NEAR AMBEDKAR COLLEGE,
KAVALBYRASANDRA,
BANGALORE-560032.

...RESPONDENTS

(V/O DATE: 28.09.2026 SRI. PRUTHVEEN KATTIMANI, ADV.
APPOINTED AS AMICUS CURIAE FOR RESPONDENTS.)

THIS CRL.A. IS FILED U/S.378(1) AND (3) CR.P.C BY THE
S.P.P. FOR THE STATE/APPELLANT PRAYING THAT THIS
HON'BLE COURT MAY BE PLEASED TO GRANT LEAVE TO FILE
AN APPEAL AGAINST THE JUDGEMENT AND ORDER OF
ACQUITTAL PASSED BY THE SPL. COURT FOR ECONOMIC
OFFENCES, BANGALORE IN SPL.C.C.NO.453/2002 DATED
30.11.2015 THEREBY ACQUITTING ACCUSED/RESPONDENTS
OF THE OFFENCES P/U/S 3(a) OF RP(UP) ACT,1966.

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

State has preferred this appeal against the judgment of
acquittal dated 30.11.2015 passed in CC No.453 of 2002 by the
Special Court of Economic Offences at Bangalore (for short, the
"trial Court").



CNR: KAHC010475562016

2. Brief facts, leading this appeal are that on 2.9.2001 at about 9.00 pm while C Thomas Mohan Jayakumar IPF/CIB/HQ/MAS, Shri Siddalingaiah IPF/CIB/MYS and other staff were on confidential Watch duty at Yeshwantpura Railway Yard. At that time, accused number 1-S Raju found carrying a gunny bag containing marks in green ink as BDNK 351343/P-2-HVR-SBC containing four kgs of Green cardamom, the part of booked consignment which is a railway property, and reasonably suspected to have committed theft in train No.283, by throwing the same out of the train at Malleshwaram Station and later transported the same with the assistance of accused No.2-V Siddhaiah, father of accused No.1 in an Ambassador car bearing registration No.MEQ-878 driven by accused No.6 and had concealed the same in the residential premises of accused No.2.

3. Further, it is alleged that accused 1 and 3 have transported the cardamom which was concealed in the house of accuse No.2. Accused No.3, by colluding with accused No.1, transported 2½ bags of stolen cardamom from the House of accused No.2 in a tempo to the shop of accused No.5 at



CNR: KAHC010475562016

Thyamagondlu and sold the same to accused No.5 for Rs.70,000/-. Further on 21.09.2001, accused No.4 was found in possession of a gunny bag bearing number BDNK 351333/P-6-HVR/SBC, in Green ink containing 4 kgs of cardamom belonging to Railways in the shop of accused No.5 i.e. Fertiliser and Provision Shop, situate near Bus stand Circle Thyamagondlu, without any bill or voucher. Thus, the accused committed the alleged offence.

4. After filing charge-sheet, cognizance was taken and case was registered in CC No.453 of 2002. Accused appeared before the trial Court and was enlarged on bail. On hearing, trial court framed the charges for alleged commission of offence. Having understood the same, accused pleaded not guilty and claimed to be tried. To prove the guilt of the accused, 36 witnesses were examined as PW1 to 36, marked 88 documents as per Exhibits P1 to P88 and 2 material objects were marked as MOs1 and 2. On closure of prosecution side evidence, statement of accused under Section 313 of Cr.PC was recorded. Accused have totally denied the prosecution evidence appearing against them. However, they did not file any defence evidence on their



CNR: KAHC010475562016

behalf. The accused have got marked eight documents as per Exhibit D1 to D8, during the course of cross-examination of prosecution witnesses. Having heard the arguments on both sides, the trial Court acquitted the accused 1, 3, 5 and 6 and the case against accused 2 and 4 abated on 27.04.2011 as per the order of the Order Sheet on the file of the trial Court. Being aggrieved by this judgement of acquittal, State has preferred this appeal.

5. Sri Nageshwarappa, learned HCGP appearing for the State, would submit that the impugned judgement of acquittal is contrary to law, facts of the case on evidence on record. The reasons assigned by the Court below while passing the impugned judgement of acquittal, are erroneous and improper. The trial Court has reached a wrong conclusion which has resulted in substantial miscarriage of Justice. The trial Court has not considered the statement of eye-witness who have categorically stated supporting the case of the prosecution that they have sent MOs1 and 2, and thereafter it was delivered, and then it was noticed that MOs1 and 2 were stolen by the accused. This fact is not at all considered by the trial Court.



CNR: KAHC010475562016

The trial Court has failed to appreciate the evidence of PW27, who is the Station House Officer and PW22, the Senior General Clerk and PW24, who has given a categorical statement about booking of six bags of Cardamom from BDNK to Haveri and thereafter, four bags have reached and two bags were missing. Though these witnesses were cross-examined by the defence, nothing was elicited from their mouth to disbelieve the case of the prosecution. By relying upon the minor discrepancies in the cross-examination of witnesses, and giving much importance to minor technicalities, the trial court has passed the judgment of acquittal. On all these grounds, it is sought to allow the appeal.

6. As against this, Sri Pruthveen Kattimani learned Amicus Curiae for the respondent would submit that the trial Court has properly appreciated the evidence and record in accordance with law and facts. Further, he would submit that PW1, PW5, PW6 and PW25 have turned hostile. The other witnesses are officials, who are interested witnesses. The trial Court has assigned proper reasons for acquittal of the accused and has acquitted the accused by assigning proper reasons. He would



CNR: KAHC010475562016

submit that the scope of appellate Court is very limited in interfering with the judgments of acquittal. If there is any perversity or illegality in the judgement of Acquittal, then the appellate Court can interfere. In the case on hand, absolutely there are no materials to interfere with the impugned judgement of acquittal. Accordingly, he sought for dismissal of the appeal. To substantiate his submissions, he has relied on the following decisions:

1. CONSTABLE 907 SURENDRA SINGH AND ANOTHER v. STATE OF UTTARAKHAND reported in (2025)5 SCC 433;
2. BABU SAHEBGUDA RUDRAGAUDAR AND OTHERS v. STATE OF KARNATAKA reported in (2024)8 SCC 149;
3. CHANDRAPPA v. STATE OF KARNATAKA reported in (2007)4 SCC 415; and H.D. SUNDARA v. STATE OF KARNATAKA reported in (2023)9 SCC 581.

7. Having heard the arguments on both sides and perusal, the following points, would arise for my consideration:

1. Whether the state has made out ground to interfere with the judgement of acquittal?
2. What order?



CNR: KAHC010475562016

NC: 2026:KHC:54939
CRL.A No. 1264 of 2016

8. My answer to the above points are:

Point number one: In the affirmative;

Point number two: as per final order

Regarding Point No.1:

9. I have carefully examined the materials placed before the Court. The trial Court has discussed the evidence of prosecution witnesses. Further the trial Court at paragraphs 45 to 54 of the judgement has observed as under:

"45. P.W.1 to 6, 11 & 18 are all Department witnesses not supported by mahazar witnesses P.W.1 to 6, P.W.11 & 18 have stated that the accused was not present on the date of incident at the duty time. But P.w.1, 2, 11 & 18 during the cross examination have admitted A.1 was on duty between 9.30 p.m., on 3.10.2000 to 6.00 a.m., on 4.10.2000 as per Ex.D.1 to 3.

46. Further, A.1-S.Raju given his evidence as D.W.1 where he has stated that he is the A.1 in this case. On the date of allegation i.e., on 3.10.2000 at about 9.30 p.m., he reported to duty and on 4.10.2000 at 6.15 a.m., on completing his duty relieved, he has obtained certified copies of duty roaster, station diary, E-Point book duty to show that he was on duty on the date of alleged offence, his Sr.Officer has put his signature certifying that he has attended duty and executed it without any lapses, he is working as Head Constable in Bangalore City



CNR: KAHC010475562016

Railway since 1992. During 2001 he had taken steps against some persons as to illegal entry and misconduct in R.A Cases and had imposed penalty due to which said persons with enimity colluded with the officers who has filed this complaint & got filed this case. He has not committed any offence as alleged he is innocent. He has produced certified copies of duty roaster, station diary & e-point book as per Ex.D.4 to 6, he had applied for the copy of B-point, but the officer concerned had given certificate Ex.D.7 that they had lossed it and unable to give such B-Point book extract, the copy of letter for applied for certified copies of above said documents as per Ex.D.8.

47. In support of his oral evidence, he has relied upon Ex.D.1 to 6 i.e., Ex.D.1 the Duty Roaster, Ex.D.2 the extract of Station House Diary, Ex.D.3 the copy of E-Point Book, Ex.D.4 the certified copy of Duty Roaster, Ex.D.5 the certified copy of Station Diary & Ex.D.6 the E-Point book shows he was on duty on the date of incident.

48. During the cross-examination of D.W.1, he has stated that from 1998 to 2001 he worked in SBC. He has denied that he has admitted before the RPF that he had committed theft of 3 bags of cardamom, similarly he had admitted before RPF that he had traveled in SLR of Train No.283 Ex-SBC to Hubli till Malleshwaram & pushed the 3 cardamom bags, he had admitted before RPF that he had transported said 3 bags in a car bearing No.MEQ-878, the documents produced by him are false, only to escape from the liability or punishment he is deposing false.

49. During his cross-examination nothing elicited which destroys his chief-examination. Further, all the witnesses to seizure mahazars in connection to seizure of cardamom from



CNR: KAHC010475562016

A.1 & A.5 are not examined. The witnesses P.W.5, 6, 25 & 32 who are examined turned hostile. At the out set, seizure mahazars in connection to seizure of cardamom from A.1 & 5 are not proved.

50. P.W.14 Sri.Maruti Appaji Kawale has stated that from June-2000 to 2002 he worked as Asst. RTO at Yeshwanthpur, Bengaluru, he received intimation/ requisition from railway police to ascertain the owner, address of Car, R.C.No.MEQ-878, he received the requisition and given the address of the owner Mr.A.S.D.Silva, the vehicle was standing in his name at that time i.e., between 1/10/2000 to 30/10/2000, the letter.

51. P.W.17 Sri.M.N.Narasimha Reddy has stated that since 1995 to till date for 13 years he worked as Associate Professor at Agricultural research station, Chintamani, the Asst. Professor Sri. Vishnuvardhana has purchased white Ambassador car bearing No.MEQ 878, he has given statement before RPF, on 12.11.2001 RPF Inspector by name Mr.Thomas called him from neighbouring quarters, he has stated that car is involved in theft and seized the car by drawing mahazar as per Ex.p.39 in his presence. He has given statement to RPF as per Ex.P.64.

52. P.W.19 Sri.R.Raghunath has stated that during 1999 to 2000 he was working as Driver at Chintamani, in Agricultural Research station. On 12.11.2001 RPF came at about 9-10 hrs at night, they called him to the house of Mr.Vishnuvardhana, Ambassador car No.MEQ-878 was seized drawing mahazar as per Ex.p.39 in his presence, he & Narasimha Reddy have signed the mahazar, they have taken Xerox copy of R.C. RPF has taken his statement as per Ex.p.65.



CNR: KAHC010475562016

53. P.W.23 Sri. Vishnuvardhana has stated that during 1995-2002 he worked in Chintamani, Kolar Dist as Asst. Professor, Horticulture research Centre, in the month of Oct-2001 he purchased white ambassador car from one Mr.Dsilva, RPF Inspector, vehicle-bearing register No.MEQ-878. On 12.11.2001 at 9.30 to 10 RPF and staff came to Chintamani his quarters, they informed that the car is involved in the theft case and seized the same, they called their two staff Mr.M.N.Narasimha reddy and Raghunath and seized the car, the RPF taken the vehicle to their custody at that time. He got the released the same through Court order. On 27.11.2001 he have taken the vehicle executing the acknowledgment as per Ex.P.62. The RPF recorded his statement as per Ex.P.63.

54. P.W.14, 17, 19 & 23 have stated about how the Ambassador Car is involved and to whom the Ambassador Car belongs to, but in view of it is proved that A.1 was on duty as on the date of the incident and the seizure mahazars in connection to cardamom is not proved, the case of the prosecution is doubtful and the evidence of P.W.14, 17, 19 & 23 do not support the case of prosecution to clear the said doubt. Thus, I answer Points No.1 to 4 negative."

10. On Careful re-examination of the entire evidence on record, I do not find any legal or factual error in the judgement of acquittal passed by the trial Court. Considering the facts and circumstance of the case and also in view of the observations made by the Hon'ble Supreme Court in the decisions relied



CNR: KAHC010475562016

NC: 2026:KHC:54939
CRL.A No. 1264 of 2016

upon by the learned counsel for the respondents the respondents, I answer Point No.1 in the negative.

Regarding Point No.2:

11. For the reasons aforestated and discussions, I proceed to the following:

ORDER

- i. Appeal is dismissed;
- ii. Registry is directed to pay an amount of Rs.10,000/- to Sri Pruthveen Kattimani, learned Amicus Curiae, who has assisted the Court.

**Sd/-
(G BASAVARAJA)
JUDGE**

LNN
LIST NO.: 1 SL NO.: 49