

KAKL020024512022



IN THE COURT OF I ADDL. SENIOR CIVIL JUDGE & CJM, AT
KOLAR

DATED THIS 2ND DAY OF JULY, 2026

: PRESENT :

SMT. ARATI B.KAMATE, B.A, LL.B. (SPL).
I ADDL. SENIOR CIVIL JUDGE & CJM, KOLAR.

CRIMINAL CASE No.1110/2022

COMPLAINANT : The State by **KOLAR**
RURAL Police Station,
Kolar.

(By Asst. Public Prosecutor,)

Vs

ACCUSED : A1. Sri. Narayanaswamy @ Pilli Narayanaswamy
S/o late Venkatappa,
Aged about 35 years,

A2. Smt. Nagarathnamma
W/o **Narayanaswamy @ Pilli Narayanaswamy**
Aged about 30 years,

Both are R/at Dinnur Village,
Kolar Taluk, Kolar District.

(A1 By Shri. **T.A.**,
Advocate)

(A2 By Shri. **N.B.R.**,
Advocate)

* * * *

Date of Commence of alleged offence	26.11.2021
Date of report of offence	28.11.2021
Appearance of the accused before the Court.	A1 - 05.01.2022 A2 - 30.12.2022
Date of released on bail	A1 - 05.01.2022 A2 - 30.12.2022
Name of the Informant	Smt. Vasantha
Date of recording of evidence	17.06.2026
Date of closing of evidence	24.06.2026
Offense complained of	323, 324, 354, 504, 506 read with Section 34 of IPC
Opinion of the Judge	Acquittal
Date of Judgment	02.07.2026

J U D G M E N T

The PSI of Kolar Rural Police Station has filed charge sheet against accused No.1 and 2 for the offenses punishable under Section 323, 324, 504, 354, 506 read with Section 34 of *Indian Penal Code*.

2. THE CASE OF THE PROSECUTION IN BRIEF IS AS UNDER:-

That, on 26.11.2021 at about 9.30 pm when CW1 and her brother CW2 resident of Dinnur Village went to the house of the accused and asked them to give the land of their share. At that time the accused No.1 and 2 picked up quarrel with CW1 and CW2 without any reason and assaulted them by hands. The accused No.1 assaulted CW1 with club on her back and left foot and caused injuries. He abused CW1 in filthy language and dragged her saree with an intention to outrage her modesty. The accused persons gave life threat to CW1 and CW2.

The informant has lodged FIS against the accused persons alleging the commission of offenses. After investigation, the IO has filed charge sheet against the accused No.1 and 2 alleging the commission of offenses 323, 324, 504, 354, 506 read with Section 34 of *Indian Penal Code*.

3. After taking cognizance, summons issued to the accused persons. The accused persons appeared through their counsel and they are on bail. The charge sheet copy was furnished to the accused persons in compliance under Section 207 of Cr.P.C. After hearing, charge was framed and read over and explained to

the accused No.1 and 2 for the alleged offenses 323, 324, 504, 354, 506 read with Section 34 of *Indian Penal Code*. The accused persons pleaded not guilty and claimed to be tried.

4. In order to establish the guilt of accused, prosecution got examined PW1 to and PW3 and got marked Ex.P1 to Ex.P4 documents. The informant and injured eye witness turned hostile and not supported the case of prosecution. Hence, prayer of the learned APP for issuance of summons to other witnesses was rejected as no purpose would serve. The statement under Section 313 of Cr.P.C was dispensed with, as there was no incriminating evidence available against the accused persons.

5. Heard the arguments of both side and perused the records.

6. After hearing the arguments and perusing the records, the points that arise for determination are under:

1. **Whether the prosecution proves beyond reasonable doubts that, on 26.11.2021 at about 9.30 pm CW1 and her brother CW2 resident of Dinnur Village went to the house of the accused and asked them to give the land of their share. At that time the accused No.1 and 2 picked up quarrel with CW1 and CW2 without any reason and assaulted them by hands and**

thereby the accused persons have committed an offense punishable under Section 323 read with Section 34 of *Indian Penal Code* ?

- 2. Whether the prosecution proves beyond reasonable doubts that, on the above said date, time and place, in furtherance of common intention the accused No.1 assaulted CW1 with club on her back and left foot and caused injuries and thereby the accused persons have committed an offense punishable under Section 324 read with Section 34 of *Indian Penal Code* ?**
- 3. Whether the prosecution proves beyond all reasonable doubts that, on the above said date, time and place, in furtherance of common intention, the accused persons abused CW1 in filthy language and thereby the accused persons have committed an offense punishable under Section 504 read with Section 34 of *Indian Penal Code* ?**
- 4. Whether the prosecution proves beyond all reasonable doubts that, on the above said date, time and place, in furtherance of common intention, the accused No.1 dragged the saree of CW1 with an intention to outrage her modesty and thereby the accused persons have committed an offense punishable under Section 354 read with Section 34 of *Indian Penal Code* ?**
- 5. Whether the prosecution proves beyond all reasonable doubts that, on the above said date, time and place, in furtherance of common intention, the accused persons caused criminal intimidation by threatening CW1 and**

CW2 to cause death and thereby they have committed an offense punishable under Section 354 read with Section 34 of *Indian Penal Code* ?

6. What Order?

7. Findings to the above points are as under;

Point No.1 to 5 : In the Negative

Point No.6 : As per final order for the following:

REASONS

8. Point No.1 to 5:-

These points are interlinked with each other and hence, in order avoid repetition of facts and circumstances, these points taken for common discussion.

9. As per the case of prosecution, the accused No.1 and 2 assaulted CW1 and CW2 by hands and with club, abused in filthy language and the accused No.1 tried to outrage her modest and they gave life threat to CW1 and CW2.

10. The criminal law was set into motion by CW1 by lodging FIS as per Ex.P1. The prosecution has examined CW1 as PW1. But during evidence, she has stated that the accused persons

have not abused in filthy language, they have not assaulted by hands or with club. She stated that she does not know the contents of Ex.P1. She has not given further statement. She was turned hostile by the prosecution. In spite of cross examination by the learned APP, nothing was elicited from her mouth in support of prosecution case. During cross examination by the learned APP she has denied suggestions regarding the alleged act of assault by the accused persons and also use of abusive words and outrage her modesty by the accused No.1.

11. As per the case of prosecution CW3 has witnessed the incident and pacified the quarrel. The prosecution has examined CW3 as PW2. But in his evidence PW2 has stated that he does not know anything about the case. The police have not enquired me and not recorded his statement. He was also turned hostile by the prosecution. In spite of cross examination nothing was elicited from his mouth in support of prosecution case.

12. The prosecution has examined the mahazar witness as PW3. As per the version of prosecution case, the mahazar was conducted in the spot as per Ex.P.4 and club was seized in his presence. But he was also turned hostile by the prosecution. In

spite of cross examination by the learned APP nothing was elicited from his mouth in support of prosecution case. He has denied regarding drawing of mahazar and seizure of club. As per his version he has put signature in the police station.

13. Therefore, there is no corroborative and cogent evidence placed by the prosecution. There is no evidence on record in support of the case of prosecution to prove the guilt of the accused persons. The prosecution has to prove beyond doubt that the accused persons have committed alleged offenses. The prosecution has failed to prove the necessary ingredients of alleged offenses. Accordingly, **point No.1 to 5 are answered in Negative.**

14. Point No.6:-

In view of aforesaid discussions, the following:

ORDER

By exercising power conferred under Section 248(1) of Cr.P.C, the accused No.1 and 2 are hereby acquitted of the offences punishable under Section 323, 324, 504, 354, 506 read with Section 34 of *Indian Penal Code*.

The bail bonds and surety bonds of accused
No.1 and 2 shall stand cancelled.

Club seized in PF No.266/2021 dated
29.11.2021 being worthless ordered to be
destroyed, after expiry of appeal period.

*(Directly dictated to the stenographer on computer, typed by
him, corrected and then signed and pronounced by me in the open
Court on this **2ND day of July 2026.**)*

(ARATI B.KAMATE)

I ADDL. SENIOR CIVIL JUDGE & CJM,
KOLAR.

ANNEXURES

LIST OF THE WITNESSES EXAMINED BY THE PROSECUTION:

PW1	:	Smt. Vasantha
PW2	:	Sri. Venkateshappa
PW3	:	Sri. Mahesha

LIST OF THE DOCUMENTS EXHIBITED FOR THE PROSECUTION:

Ex.P1	:	FIS
Ex.P1(a)	:	Signature of PW1
Ex.P2	:	Further statement of PW1
Ex.P3	:	Statement of PW2
Ex.P4	:	Statement of PW3

LIST OF THE MOS MARKED ON BEHALF OF THE PROSECUTION:

- NIL -

LIST OF THE WITNESSES EXAMINED FOR DEFENCE:

- NIL -

LIST OF THE DOCUMENTS EXHIBITED FOR DEFENCE:

- NIL -

LIST OF THE MOS MARKED ON BEHALF OF DEFENCE:

- NIL -

(ARATI B.KAMATE)

I ADDL. SENIOR CIVIL JUDGE & CJM,
KOLAR.