

KAKLO20013872023



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

DATED THIS 1ST DAY OF JULY, 2026

: PRESENT :

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

CRIMINAL CASE No.572/2023

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

(By Asst. Public Prosecutor,)

Vs

ACCUSED : A1. Sri. Ramanji KH S/o Hanumappa,
Aged about 35 years,
A2. Sri. Ajay Kumar S/o Srinivas,
Aged about 20 years,
A3. Sri. Shivappa @ Shiva S/o Kondappa,
Aged about 31 years,
A4. Sri. Hari Kumar K S/o Kondappa,
Aged about 27 years,

All are R/at Kammasandra Village,
Uthanur Post,
Kolar Taluk, Kolar District.

(By Shri. **K.R.K.**,
Advocate)

* * * *

Date of Commence of alleged offence	02.02.2023
Date of report of offence	03.02.2023
Appearance of the accused before the Court.	06.02.2023
Date of released on bail	06.02.2023
Name of the Informant	Sri. Nagesh
Date of recording of evidence	06.06.2026
Date of closing of evidence	06.06.2026
Offense complained of	504, 324, 323 of IPC
Opinion of the Judge	Acquittal
Date of Judgment	01.07.2026

J U D G M E N T

The PSI of Kolar Rural Police Station has filed charge sheet against accused No.1 to 4 for the offenses punishable under Section 504, 323, 324 read with Section 34 of *Indian Penal Code*.

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

That, on 02.02.2023 at about 10.30 am when CW1 was proceeding towards Shrinivasapura along with Tippanna to get changed the wheel of car, the accused No.1 abused CW1 over phone by stating that Tippanna did not go for work inspite of having received the amount. On the same day at 3.30 pm, when CW1 was sitting near Bus stand of Kammasandra, the accused No.1 to 4 abused to CW1 in filthy language, the accused No.3 assaulted the CW1 with stone on his right eye caused bleeding injuries. The accused No.2 assaulted CW1 with stone on his chest and stomach. The accused No.1 and 4 assaulted CW1 by hands on his face and head. When CW2 went to rescue, the accused No.1 assaulted CW2 with machete on his chest, right eye, hands and legs.

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 to 4 alleging the commission of offenses 504, 323, 324 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 to 4 for the alleged offenses 504, 323, 324 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 and PW2 and got marked Ex.P1 and Ex.P2 documents. The complainant, victim have 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 on 02.02.2023 at 3.30 pm, when CW1 was sitting near Bus stand of Kammasandra, the accused No.1 to 4 abused to CW1 in filthy language and thereby the accused No.1 to 4 have committed an offense punishable under Section 504 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 and 4 assaulted CW1 by hands on his body and caused hurt and thereby the accused No.1 to 4 have committed an offense punishable under Section 323 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 No.3 assaulted CW1 with stone on his right eye caused bleeding injuries. The accused No.2 assaulted CW1 with stone on his chest and stomach. The accused No.1 assaulted CW2 with machete on his chest, right eye, hands and legs and thereby the accused No.1 to 4 have committed an offense punishable under Section 324 read with Section 34 of *Indian Penal Code* ?**
4. **What Order?**
7. Findings to the above points are as under;

Point No.1 to 3 : In the Negative
Point No.4 : As per final order for the following:

REASONS

8. Point No.1 to 3:-

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 to 4 abused the CW1 in filthy language and assaulted CW1 and CW2 by hands and with stone and machete.

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 the evidence, he has stated that the accused persons have not abused in filthy language, they have not assaulted with sone, machete or by hands. He stated that he does not know the contents of Ex.P1. He has not given further statement. He showed ignorance about contents of Ex.P1. He 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. He has denied suggestions regarding the alleged assault by the accused persons and also use of abusive words. He has admitted that he has compromised with accused

persons. He has denied that on 02.02.2023 FIS was lodged by him. He also denied regarding seizure of stone and machete.

11. The prosecution has examined another injured witness as PW2. In his evidence he has also stated that the accused persons have not abused in filthy language and not assaulted himself or CW1. He further deposed that he has not given statement before the police. 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. PW1 and PW2 are the injured witnesses. But as per their version no incident has taken place. They have not stated anything against the accused persons. 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 3 are answered in Negative.**

13. Point No.4:-

In view of aforesaid discussions, the following:

ORDER

By exercising power conferred under Section 248(1) of Cr.P.C, the accused No.1 to 4 are hereby acquitted of the offences punishable under Section 504, 323, 324 read with Section 34 of *Indian Penal Code*.

The bail bonds and surety bonds of accused shall stand cancelled.

Stone, machete seized under PF No.42/2023 dated 04.02.2023 being worthless properties are 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 **1st day of July 2026.**)*

(ARATI B.KAMATE)

I ADDL. SENIOR CIVIL JUDGE & CJM,
KOLAR.

ANNEXURES

LIST OF THE WITNESSES EXAMINED BY THE PROSECUTION:

PW1 : Sri. Nagesh
PW2 : Sri. Jadeppa

LIST OF THE DOCUMENTS EXHIBITED FOR THE PROSECUTION:

Ex.P1 : FIS
Ex.P1(a) : Signature of PW1
Ex.P2 : Statement of PW2

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.