

KABG210025952022



IN THE COURT OF THE PRL. CIVIL JUDGE & J.M.F.C. ATHANI

PRESENT:

**SRI ONKARAMURTHY H.,
B.Com., LL.B.,
Prl. Civil Judge and JMFC., Athani.**

DATED THIS DAY OF 1st JULY, 2026

C.C.NO.1673/2022

1. The State by Athani P.S.

...Complainant

(By the Learned APP)

V/s.

1. Ramesh Tammanna Vaddar,
Age: 38 years, Occ: Mason,
R/o: Chikkud, Tq: Athani.

2. Suresh Tamanna Vaddar,
Age: 32 years, Occ: Mason,
R/o: Chikkud, Tq: Athani.

3. Smt. Lalita Ramesh Vaddar,
Age: 32 years, Occ: H.H.Work,
R/o: Chikkud, Tq: Athani.

....Accused No.1 to 3.

(By Sri.B.J.Teerth, Advocate)

Date of Commission of Offence	08-02-2022
Date of report of Offence	08-02-2022
Name of the complainant	Smt.Kaveri Deepak Vaddar.
Date of recording of evidence	25-06-2026
Date of closing of evidence	25-06-2026
Offences complained of	U/Sec.323, 324, 354(D), 504 and 506 R/w. Sec.34 of IPC.
Opinion of the Judge	Acquitted

(Onkaramurthy H)

Prl. Civil Judge & JMFC., Athani.

:: J U D G M E N T ::

This case has been registered against the accused No.1 to 3 on the basis of the final report filed by the PSI of Athani PS, for the offences punishable U/Sec.323, 324, 354(D), 504 and 506 R/w. 34 of IPC.

2. **Brief facts of case of the prosecution are that :-**

That on dated: 08-02-2022 at about 6:00 am in front of the house of the complainant, at Chikkud village, within the jurisdiction of Athani Police Station, while the complainant sweeping in front

of her house, the accused No.1 came from behind and hugged the complainant tightly and while the complainant and her husband i.e., CW-7 informing the said fact to their elders, the accused picked-up quarrel and accused No.1 assaulted on the back of the CW-7 by club, accused No.2 assaulted on the CW-1 and 8 by hands and kicked them with legs, accused No.1 caused assault on the face and right hand by club and caused hurt. Accused abused the complainant, CW-7 and 8 in filthy language and committed the criminal intimidation by giving life threat to CW-1, 7 and 8. Thereby, the accused No.1 to 3 are committed the offences punishable U/Sec. 323, 324, 354(D), 504 and 506 R/w 34 of IPC.

3. On the basis of the complaint lodged by CW-1, the present case has been registered as Crime No.53/2022. After the completion of investigation, CW-11 has submitted the final report against the accused No.1 to 3 alleging that they are committed the offences punishable U/Sec. 323, 324, 354(D), 504 and 506 R/w 34 of IPC.

4. This Honorable court took cognizance U/sec.190 (1) of Cr.P.C.

for the offences punishable U/Sec. 323, 324, 354(D), 504 and 506 R/w 34 of IPC. On service of summons, the accused No.1 to 3 were appeared and released on bail. The copies of the prosecution paper were supplied to the accused persons to compliance under Section 207 of Cr.P.C. After the charge has been framed when the accusation which contained in the final report was read over to the accused persons, but they pleaded not guilty and claimed to be trial.

5. In order to prove its allegation, the prosecution has examined 5 witnesses out of 11 witnesses as PW-1 to PW-5 and got marked 7 documents as Ex.P.1 to 7. Since the material witnesses PW.1 to 5 have turned hostile to the prosecution case, the recording of statement of accused U/s 313 of Cr.P.C. was dispensed with.

6. Heard the arguments of learned A.P.P. and the learned counsel for the accused.

7. In view of the material placed on record the points that arose for my consideration are as follows:-

1. Whether the prosecution has proved beyond reasonable doubt that on dated 08-02-2022 at about 6:00 am in front of the house of the complainant, at Chikkud village, within the jurisdiction of Athani Police Station, the accused No.1 to 3 in furtherance of their common intention, the accused No.2 assaulted on the CW-1 and 8 by hands and kicked them with legs and accused voluntarily caused hurt to the CW-1 and 8 and thereby accused persons committed an offence punishable U/Sec. 323 R/w 34 of I.P.C ?

2. Whether the prosecution proves beyond all reasonable doubts that, on the above said date, time and place, the accused No.1 to 3 in furtherance of common intention, the accused No.1 assaulted on the back of CW-7 and accused No.1 assaulted on the face and right hand of the CW-8 by means of club and voluntarily caused hurt to the CW-7 and 8 with deadly weapon and thereby the accused committed the offence punishable U/sec. 324 R/w. 34 of IPC?

3. Whether the prosecution proves beyond all reasonable doubts that, on the above said date, time and place, the accused No.1 followed the complainant and hugged her tightly and thereby the accused committed the offence punishable U/sec. 354(D) R/w. 34 of IPC?

4. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, the accused No.1 to 3 in furtherance of common intention have abused CW-1, 7 and 8 in filthy language so as to cause provocation and break public peace and thereby the accused have committed the offence punishable Under Sec. 504 R/w. 34 of IPC ?

5. Whether prosecution proves beyond all reasonable doubt that, on the above said date, time and place, the accused No.1 to 3 in furtherance of their common intention, the accused threatened to kill the CW-1, 7 and 8 and thereby the accused committed criminal intimidation against the CW-1 and committed the offence Punishable U/Sec. 506 r/w. Sec. 34 of I.P.C ?

6. What Order?

8. My findings on the above said points are:-

Point No.1 to 5 : In the Negative,
Point No.6 : As per my final order,
for the following:

:: R E A S O N S ::

9. **POINT NO.1 to 5** : These points are interlinked with each other, hence they are taken together for common discussion in order to avoid repetition of facts and circumstances of the case. To substantiate the case against the accused persons, the prosecution has examined 5 witnesses and relied upon seven documents as Ex.P.1 to 7. It must be noted that the first information lodged by CW-1 has been marked as Ex.P1. In the said document, it is stated that on on dated: 08-02-2022 at about 6:00 am in front of the house of the complainant, at Chikkud village, within the jurisdiction of Athani Police Station, when the complainant sweeping in front of her house, the accused No.1 came from behind and hugged the complainant tightly and while the complainant and her husband i.e., CW-7 informing the said fact to their elders, the accused picked-up quarrel and accused No.1 assaulted on the back of the

CW-7 by club, accused No.2 assaulted on the CW-1 and 8 by hands and kicked them with legs, accused No.1 caused assault on the face and right hand by club and caused hurt. Accused abused the complainant, CW-7 and 8 in filthy language and committed the criminal intimidation by giving life threat to CW-1, 7 and 8.

10. The complainant who lodged complaint before the Athani police station she is examined as PW-1 and she deposed that, about 4 years back there was some discussion between the accused persons and complainant. And then she was informed the same to the police and they got her thumb impression on the complaint and same is marked as Ex.P.1. Further she deposed that there was no quarrel took place between them and the accused persons and the accused persons were not assaulted them and she has not given any statement before the police and she did not know the contents of Ex.P-1. CW-6 to 8 are circumstantial witnesses are examined as PW-2 to 4 and they are deposed that accused are their relatives and there is no any quarrel took place between them and the accused persons and they have not given

any statement before the police. CW-2 is the spot mahazar witness is examined as PW-5 and he identified spot mahazar and photo same are marked as Ex.P- 6 and 7. Further deposed that police have not conducted any mahazar and have not seized any materials in his presence and he do not know anything about this case.

11. All the material witnesses are examined as PW.1 to 5 and they are completely turned hostile to the case of the prosecution and even cross-examination made by APP, nothing elicited anything about the alleged incident or assault. Therefore even if examine of other witnesses, there is no chances of getting any incriminating evidence. In view of the turning hostile of the PW.1 to 5, no incriminating circumstances arose against the accused persons for recording statement of the accused U/s 313 of Cr.P.C. and it is comes to know that there is a chances of complainant and accused persons are settled the case out of court. Hence, the accused statement has been dispensed. In view of facts and circumstances of the case and on perusal of material placed on

record, the prosecution has failed to prove beyond all reasonable doubts that the accused persons have committed the offences as alleged. Since no material is placed to point out guilt of the accused persons. Therefore, the benefit of doubt shall be given to the accused persons. **Hence I answer Point No.1 to 5 in the Negative.**

12. **POINT No.6:-** In the light of the discussion made above, I proceed to pass the following:-

:: O R D E R ::

Acting under sec. 248(1) Cr.P.C., accused No.1 to 3 are acquitted for the offences punishable under Sections 323, 324, 354(D), 504 and 506 R/w 34 of IPC.

Accused No.1 to 3 be set at liberty forthwith, the bail bond and surety bond shall remain in force for 6 months from today in view of section 437(a) of Cr.P.C.

The property seized in this case i.e., club which is worthless, ordered to be destroyed as per law after appeal period is over.

(Dictated to the Stenographer directly on computer and corrected by me, then pronounced in the open Court on this day **1st day of July, 2026**).

(Onkaramurthy H)

Prl. Civil Judge & JMFC., Athani.

:: A N N E X U R E ::

1. LIST OF WITNESSES FOR THE PROSECUTION:-

PW.1 : Smt. Kaveri Deepak Vaddar.
PW.2 : Smt. Anita Nagappa Vaddar.
PW.3 : Sri. Deepak Nagappa Vaddar.
PW.4 : Sri. Dayanand Nagappa Vaddar.
PW.5 : Sri. Basappa Mosarguppi.

2. LIST OF DOCUMENTS FOR THE PROSECUTION:-

Ex.P.1 : Complaint.
Ex.P.2 : Statement of PW.1.
Ex.P.3 : Statement of PW.2.
Ex.P.4 : Statement of PW.3.
Ex.P.5 : Statement of PW.4.
Ex.P.6 : Mahazar.
Ex.P.7 : Photo.

3. **LIST OF MATERIAL OBJECTS:-**

---NIL---

4. **LIST OF WITNESSES FOR THE ACCUSED:-**

---NIL---

5. **LIST OF DOCUMENTS FOR ACCUSED:-**

---NIL---

(Onkaramurthy H)

Prl. Civil Judge & JMFC., Athani.