

KABR010012102024



**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, BENGALURU RURAL DISTRICT,
BENGALURU.**

Present:

Smt. B.S. Rekha, B.A.(Law), LL.M.
Prl. District & Sessions Judge,
Bengaluru Rural District, Bengaluru.

Dated this the 28th day of March, 2026.

Sessions Case No.106/2024

Complainant:- State by Kadugodi Police,
Bengaluru Rural District.

(By Learned Public Prosecutor,
Bengaluru Rural District.)

-VERSUS-

Accused:- A.1 Venkatesh K.,
S/o Krishnappa,
Aged about 58 years,
R/at: No.144, Hosa Badavane,
Kumbena Agrahara,
Kadugodi,
Bengaluru-67.

A.2 Rathan V.,
S/o Venkataswamy,
Aged about 46 years,
R/at: No.48,
Gangamma Temple Road,
Near Government Primary School,

Kumbena Agrahara,
Kadugodi,
Bengaluru-67.

A.3 Narayanappa,
S/o Late Muniswamy Naidu,
Aged about 72 years,
R/at: Naniyal village,
Ramakuppam, Peddur,
Chittoor District,
Andhra Pradesh-517 401.

A.4 Gangamma C.,
W/o Venkatesh K.,
Aged about 48 years,
R/at: No.144, Hosa Badavane,
Kumbena Agrahara,
Kadugodi,
Bengaluru-67.

(By Sri D.G.M., Advocate)

1.	Date of commission of offence	18.11.2022		
2.	Date of report of occurrence	30.11.2022		
3.	Arrest of accused	On anticipatory bail.		
4.	Release of accused	-		
5.	Period of Custody	Year	Month	Days
		-	-	-
6.	Date of commencement of Evidence	16.05.2025		
7.	Date of closing of evidence	17.03.2026		
8.	Name of the Complainant	Sri Raju G.		
9.	Offences complained of	Ss.341, 323, 307, 504 R/W. S.34 of IPC.		

10.	Opinion of the Judge	Accused No.1 to 4 found not guilty of offences punishable U/Ss.341, 323, 307, 504 R/W. S.34 of IPC.
11.	Order/Result	As per final order

J U D G M E N T

The Sub-Inspector of Police, Kadugodi Police Station, Bengaluru Rural District has filed charge-sheet against the accused persons alleging the offences punishable U/Ss.341, 323, 307, 504 R/W. S.34 of IPC.

2.1. The case of prosecution in nutshell is that on 18.11.2022 at 10.00 a.m., accused No.1 called C.W.1 to come near Balaji Bhavana situated within the limits of Kadugodi police station and accused No.1 to 3 intentionally made demand for higher amount for the contract work and when C.W.1 refused to give it, accused No.1 insulted C.W.1 by abusing him in filthy language and threatened C.W.1 with dire consequences on his life. At that time, when accused No.1 called his wife i.e.

accused No.4 over phone, accused No.4 told that "ಕೈ-ಕಾಲುಗಳನ್ನು ಮುರಿದು ಹಾಕಿ, ಆತನನ್ನು ಸುಮ್ಮನೆ ಬಿಡಬೇಡಿ".

2.2. It is further alleged that on 18.11.2022 at 10.00 a.m., when C.W.1 was moving towards his house from Balaji Bhavana in his car in front of Sai Baba Ashrama at Hosakote-Whitefield Main Road near Kadugodi Railway Bridge, accused No.1 to 3 wrongfully restrained C.W.1 from going further and accused No.1 to 3 dragged C.W.1 out of the car and voluntarily assaulted him with their hands and with an intention to commit the murder of C.W.1, accused No.1 tried to pierce knife to C.W.1, accused No.2 strangulated C.W.1 and pulled him and thereby the accused persons have committed the aforesaid offences.

3. After receipt of this charge-sheet, learned Addl. Chief Judicial Magistrate, Bengaluru Rural District, Bengaluru has complied with S.209 Cr.P.C and committed the charge-sheet and other materials to this Court in C.C. No.71/2024 by an order dated 29.02.2024 as the offences alleged are exclusively triable by this

court of Sessions. After committing the case to this Court, this case is registered as S.C.No.106/2024.

4. The accused No.1 to 4 are on bail.

5. After hearing arguments of both sides, as there were materials to frame charge, this Court has framed the charge against accused No.1 to 4 alleging the offences punishable U/Ss.504, 506, 341, 323, 307 R/W. S.34 & 114 of IPC. After understanding the contents of the charge, read-over and explained to accused No.1 to 4 in Kannada language known to them, they pleaded not guilty and claimed trial.

6. In order to prove its case, prosecution has examined 3 witnesses as P.W.1 to P.W.3, got marked Ex.P.1 to Ex.P.6 and closed its side.

7. Statement of accused No.1 to 4 U/S.313 Cr.P.C., is recorded after completion of the evidence of prosecution by putting incriminatory evidence against them, which were found in the evidence of prosecution

witnesses and accused No.1 to 4 have denied the prosecution case in toto.

8. On perusal of the evidence of prosecution, examination of the accused under S.313 Cr.P.C., and hearing arguments of both sides, this court holds that this is not the fit case to acquit accused persons U/S.232 Cr.P.C., for the alleged offences. Hence, the case is posted for defence evidence. However, accused No.1 to 4 and their learned counsel submitted that there is no defence evidence on their behalf.

9. Accused No.1 to 4 have complied with S.437-A Cr.P.C. and furnished surety for their due presence even after disposal of this case for a period of six months or if any appeal is preferred before higher Courts, till disposal of the appeal.

10. Heard arguments of both sides.

11. From the above facts, the points that arise for consideration are:

- 1) Whether the prosecution proves beyond reasonable doubt that on 18.11.2022 at 10.00 a.m., accused No.1 called C.W.1 to Balaji Bhavana situated within the limits of Kadugodi police station and accused persons with common intention, accused No.1 to 3 intentionally made demand for higher amount for the contract work and when C.W.1 refused to give it, accused No.1 intentionally insulted C.W.1 by abusing him in filthy language by using the words “ಬೋಳಿ ಮಗನೆ, ಸೂಳೆ ಮಗನೆ” and thereby gave provocation to C.W.1 intending or knowing it to be likely that such provocation will cause him to break public peace or to commit any other offence and thereby accused have committed the offence punishable U/S.504 R/W.34 of Indian Penal Code?
- 2) Whether the prosecution proves beyond reasonable doubt that on the above said date, time and place, accused persons with their common intention have committed criminal intimidation by threatening C.W.1 on his life with dire consequences and when accused No.1 called his wife-accused No.4 over phone, accused No.4 told that, “ಕೈ-ಕಾಲುಗಳನ್ನು ಮುರಿದು ಹಾಕಿ, ಆತನನ್ನು ಸುಮ್ಮನೆ ಬಿಡಬೇಡಿ” with an intention to cause alarm to C.W.1, to fulfill your demand for payment of additional amount, which he is not legally bound to do and thereby committed the offence punishable U/S.506 R/W. S.34 of Indian Penal Code?
- 3) Whether the prosecution proves beyond reasonable doubt that on 18.11.2022 at 10.00 a.m., when C.W.1 was moving towards his house from Balaji Bhavana situated within the limits of Kadugodi

police station, in his car in front of Sai Baba Ashrama at Hosakote-Whitefield Main Road, near Kadugodi Railway Bridge, accused No.1 to 3 wrongfully restrained C.W.1 from going further in which direction he had right to proceed and thereby committed the offence punishable U/S.341 R/W. S.34 of Indian Penal Code?

- 4) *Whether the prosecution proves beyond reasonable doubt that on the above said date, time and place, accused persons in furtherance of their common intention, accused No.1 to 3 dragged C.W.1 out of the car and voluntarily assaulted him with their hands and caused simple injuries to him and thereby committed the offence punishable under S.323 R/W. S.34 of Indian Penal Code?*
- 5) *Whether the prosecution proves beyond reasonable doubt that on the above said date, time and place, accused persons in furtherance of their common intention to commit the murder of C.W.1, accused No.1 tried to pierce knife to C.W.1, accused No.2 strangulated C.W.1 and pulled him and accused persons did the above said acts with such an intention or knowledge and under such circumstances, that if by that act, accused persons had caused the death of C.W.1, he would have been guilty of murder and thereby committed the offence punishable under S.307 R/W. S.34 of Indian Penal Code?*
- 6) *Whether the prosecution proves beyond reasonable doubt that on the above said dates, time and places, accused No.4 abetted accused No.1 to 3 to commit the acts of offences punishable under Ss.504,*

506, 341, 323, 307 IPC; when accused No.1 called his wife-accused No.4 through phone, accused No.4 told that, "ಕೈ-ಕಾಲುಗಳನ್ನು ಮುರಿದು ಹಾಕಿ, ಆತನನ್ನು ಸುಮ್ಮನೆ ಬಿಡಬೇಡಿ" and thereby committed the offence punishable under Ss.504, 506, 341, 323, 307 R/W S.114 Indian Penal Code?

7) What order?

12. Finding of this Court on the above points are as under:-

Points No.1 to 6: In the **negative**;

Point No. 7: As per final order for the following:-

REASONS

13. **Point No.1 to 6:-** These points are considered together, as they require common discussion.

14. The sum and substance of the oral evidence of P.W.1-Dr.Leela Sampath Kumar, Chief Gynecologist at General Hospital, K.R. Puram reveals that on 18.11.2022 at 4.40 p.m., she has examined a patient by name Raju, aged about 53 years who was brought to the hospital by his friend Chandrashekhar with the history of assault at 11.30 a.m., on the same day at Kadugodi

by Venkatesh, Rathan, Narayanappa and two unknown persons. At that time, she observed the following injuries:

1. Bruise present over chest and neck region;
2. Swelling over the occipital region; &
3. Nail marks present all over the chest.

15. P.W.1 has further deposed that they advised the patient to have CT-scan, X-ray of the chest and to get the opinion from the Orthopaedic doctor. However, the patient has not produced any of those records. Hence, she opined that the aforesaid injuries are simple in nature and issued wound certificate as per Ex.P.1.

16. P.W.1 has further deposed that if assaulted with fisted hands and scratch with nails and manhandles, the injuries mentioned in Ex.P.1 could be caused.

17. The sum and substance of the oral evidence of P.W.2-Nagaraj Hoogar reveals that about 2-3 years prior to his deposition, during night time, he was standing

outside Balaji Hotel at Belathuru, Kadugodi. At that time, police have taken his signatures to Ex.P.2-panch notice and Ex.P.3-panchanama. He has not seen any incident of assault against C.W.1 and he has not given any statement before police. He does not know the contents of Ex.P.2 & 3. He knows C.W.3 who was also working with C.W.1.

18. The learned Public Prosecutor has treated this witness as hostile and during the course of cross-examination by learned Public Prosecutor, nothing is elicited from this witness, which is favourable to the case of prosecution.

19. The sum and substance of the oral evidence of P.W.3-C.M. Matapathi, PSI of Kadugodi police station reveals that on 30.11.2022 at about 7.30 p.m., when he was in the police station, one Raju G. came to the station and lodged a complaint. He he has registered the same in Crime No.238/2022, prepared FIR as per

Ex.P.6 and forwarded the same to court and to his higher officials.

20. He has further deposed that on 01.12.2022 he went near the place of incident as shown by the complainant i.e. Whitefield-Hosakote Road near Sai Ashrama and conducted mahazar between 3.00 p.m., to 5.00 p.m., as per Ex.P.3 in presence of C.W.2 & 3-panchas. He had issued Notice to panchas as per Ex.P.2. On the same day, he has recorded the statements of panchas. On 25.12.2022, the accused persons appeared before him and produced the bail order passed by the court and thereafter, he has released them by following the order.

21. P.W.3 has further deposed that on 18.07.2023, he has received the wound certificate from K.R. Puram Government Hospital as per Ex.P.1. On 18.12.2023, he has submitted charge-sheet after completion of investigation. P.W.3 has identified the accused persons before the court.

22. This is all the evidence available on record.

23. The complainant C.W.1 is the prime witness to this case. Though sufficient opportunities were given to C.W.1 and even after due execution of proclamation against him, he has not appeared before the court. Hence, the evidence of prosecution is taken as closed.

24. The only witnesses examined before the court are the Medical officer who examined the injured C.W.1 and issued wound certificate; the spot mahazar witness who has totally turned hostile to the case of prosecution and the Investigating Officer who has registered the case, conducted spot mahazar and after completion of investigation, has submitted charge-sheet before the court.

25. P.W.2 is the independent witness who is said to be the witness present at the time of drawing up of panchanama as per Ex.P.3. Though P.W.2 admits that he had put his signature on Ex.P.3-panchanama, he

has deposed that he does not know the contents of Ex.P.3.

26. The evidence of P.W.1 & 3 is only formal in nature and it only reveals the procedure of investigation.

27. Even after due execution of proclamation against C.W.1 being the complainant and against C.W.3, the prosecution unable to secure them before the court. Hence, only based on the evidence of the witnesses who are police official and the doctor, it cannot be said that accused No.1 to 4 have committed the alleged offences.

28. Under these circumstances, without examining complainant and without corroboration from the independent panch witness, this Court holds that prosecution failed to prove the offences levelled against the accused beyond reasonable doubt. Always benefit of doubt shall be in favour of the accused persons. Hence, this Court holds that prosecution fails to prove point

No.1 to 6 beyond reasonable doubt. Accordingly, **point No.1 to 6 are** answered in ***Negative***.

29. **Point No.7:-** For the above reasons and in view of findings on point No.1 to 6, this Court proceeds to pass the following:-

O R D E R

Accused No.1 to 4 are acquitted U/S.235(1) Cr.P.C., for the offences punishable U/Ss.504, 506, 341, 323, 307, 114 R/W. S.34 of IPC.

Bail bond and suretyship of accused No.1 to 4 will be continued for a period of six months.

(Dictated to the Stenographer, transcribed and computerized by her, script corrected, signed and pronounced by me in the open Court on this the 28th day of March, 2026.)

(B.S. Rekha)

Prl. District & Sessions Judge,
Bengaluru Rural District,
Bengaluru

ANNEXURE**List of witnesses examined for prosecution:-**

P.W.1	Dr.Leela Sampath Kumar.
P.W.2	Nagaraju.
P.W.3	Matapathi.

List of documents exhibited for prosecution:-

Ex.P.1	Wound certificate.
Ex.P.1(a)	Signature of P.W.1.
Ex.P.1(b)	Signature of P.W.3.
Ex.P.2	Panch Notice.
Ex.P.2(a)	Signature of P.W.2.
Ex.P.2(b)	Signature of P.W.3.
Ex.P.3	Panchanama.
Ex.P.3(a)	Signature of P.W.2.
Ex.P.3(b)	Signature of P.W.3.
Ex.P.4	Statement of P.W.2.
Ex.P.5	Complaint.
Ex.P.5(a)	Signature of P.W.3.
Ex.P.6	FIR
Ex.P.6(a)	Signature of P.W.3.

List of witnesses examined for accused:-

- NIL -

List of documents exhibited for accused:-

- NIL -

**List of material objects produced and got marked
for prosecution:-**

- NIL -

Prl. District & Sessions Judge,
Bengaluru Rural District,
Bengaluru.