

KABR010015152019



**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 06th day of April, 2026

Sessions Case No.120/2019

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

(By Learned Public Prosecutor,
Bengaluru Rural District.)

-VERSUS-

Accused:- 1. Manjunatha,
S/o Venkateshappa,
Aged about 36 years,
R/at: Dalasagere village,
Nandagudi Hobli,
Hosakote Taluk,
Bengaluru District.

2. Vishwanatha,
S/o Channarayaswamy,
Aged about 29 years,
R/at: Dalasagere village,

Nandagudi Hobli,
Hosakote Taluk,
Bengaluru District.

3. Rajanna
(Since dead, abated)
4. Venkateshappa
(Since dead, abated)
5. Kalamma,
W/o Venkateshappa,
Aged about 61 years,
R/at: Dalasagere village,
Nandagudi Hobli,
Hosakote Taluk,
Bengaluru District.
6. Gayathri, W/o Manjunatha,
Aged about 27 years,
R/at: Dalasagere village,
Nandagudi Hobli,
Hosakote Taluk,
Bengaluru District.

(By Sri M.S., Advocate for accused)

1.	Date of commission of offence	13.10.2018
2.	Date of report of occurrence	13.10.2018
3.	Whether accused are in custody or on bail.	Accused No.1, 2, 5 to 7 are on bail
4.	If in custody from which date	-
5.	Date of commencement of Evidence	26.07.2022
6.	Date of closing of evidence	30.06.2025

7.	Name of the Complainant	Santhosh
8.	Offences complained of	U/Ss.143, 147, 148, 323, 307, 354 & 504 R/W. S.149 of IPC.
9.	Opinion of the Judge	Accused No.1, 2, 5 to 7 found not guilty of offences punishable U/Ss. 143, 147, 148, 323, 307, 354 & 504 R/W. S.149 of IPC.
10.	Order/Result	As per final order

J U D G M E N T

The Sub-Inspector of Police, Nandagudi police station Bengaluru Rural District has filed charge-sheet against the accused persons alleging the offences punishable U/Ss.143, 147, 148, 323, 307, 354 & 504 R/W. S.149 of IPC.

2.1. The case of prosecution in nutshell is that the accused persons and C.W.1 to 5 are relatives and they are residing at Dalasagere village, Hosakote Taluk within the jurisdiction of Nandagudi police station. C.W.4 was owning property at Sy.No.171 situated at Dalasagere

village measuring 13 acres 04 guntas and there was dispute with respect to portion of the said property between the family members of accused No.1 and the family members of C.W.4 and there was misunderstanding between them with respect to the same.

2.2. It is further alleged that on 13.10.2018 at 11.00 a.m., the accused persons came near Sy.No.171 and were preparing to dig a pit and install stone slabs, C.W.4 came near the said place and stopped the said work and also stated that the works should be carried out in the disputed land by both the parties only after holding a nyaya panchayathi. In spite of the same, on the same day at 4.00 p.m., accused No.1 to 7 formed unlawful assembly with a common intention and by holding iron-rod and clubs came near the said place and were lifting stone slabs. At that time, when C.W.1 to 3 went to the spot to stop them, the accused persons have abused them in filthy language and also threatened them

with dire consequences on their lives. Thereafter, accused No.1 with an intention to commit the murder of C.W.1 has assaulted on the head of C.W.1 with iron-rod and caused bleeding injuries. The accused No.3 has held the clothes of C.W.2, pulled her by twisting her right hand and also assaulted on her right hand with a club. The accused No.2 has snatched the club from accused No.3 and assaulted on the hands of C.W.2 causing her pain. The accused No.4 to 7 have assaulted C.W.1 to 3 with their hands and also have kicked them and thereby, the accused persons have committed the aforesaid offences.

3. After receipt of this charge-sheet, learned Addl. Civil Judge & JMFC, Hosakote, Bengaluru Rural District, Bengaluru has complied with S.209 Cr.P.C and committed the charge-sheet and other materials by an order dated 28.03.2019 in C.C. No.385/2019. After committing the case to this Court, this case is registered.

4. During the course of trial, accused No.3 & 4 are reported to be dead. Hence, the case against them is abated and now, only accused No.1, 2, 5 to 7 are facing trial in this case and they are on bail.

5. Initially, after committal the case was registered before IX Addl. District & Sessions Court in S.C. No.120/2019. Thereafter, in view of the Notification No.ADM/66/2026 dated 17.02.2026, this case is withdrawn from said court and is transferred to Prl. District & Sessions Judge Court.

6. After hearing arguments of both sides, as there were materials to frame charge, the learned IX ADJ Court has framed the charge against accused persons alleging the offences punishable U/Ss.143, 147, 148, 323, 307, 354 & 504 R/W. S.149 of IPC. After understanding the contents of the charge, read-over and explained to accused in the language known to them, they pleaded not guilty and claimed trial.

7. In order to prove its case, prosecution has examined 8 witnesses as P.W.1 to P.W.8, got marked documents at Ex.P.1 to Ex.P.11 marked M.O.1 & 2 and closed its side.

8. Statement of accused No.1, 2 & 5 to 7 U/S.313 Cr.P.C., is recorded after completion of the evidence of prosecution by putting incriminatory evidence against accused persons, which were found in the evidence of prosecution witnesses and accused have denied the prosecution case in said statement.

9. On perusal of the evidence of prosecution, examination of the accused persons 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 offences punishable U/Ss. 143, 147, 148, 323, 307, 354 & 504 R/W. S.149 of IPC. Hence, the case is posted for defence evidence. However, accused No.1, 2 & 5 to 7 and learned counsel for accused

persons submitted that there is no defence evidence on their behalf.

10. Accused No.1, 2 & 5 to 7 to comply S.437-A of Cr.P.C, within one week from the date of this order and furnish 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.

11. Heard arguments of both sides.

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

1. *Whether the prosecution proves beyond reasonable doubt that on 13.10.2018 at 4.00 p.m., in Dalasagere village, Nandagudi Hobli, Hosakote Taluk within the limits of Nandagudi police station, accused No.1 to 7 were members of an unlawful assembly, the common object of which was to kill C.W.1-Santosh and thereby committed an offence punishable under Section 143 of IPC?*
2. *Whether the prosecution proves beyond reasonable doubt that on the above said date, time and place accused No.1 to 7 were members of an unlawful assembly in*

prosecution of the common object to kill C.W.1 and committed the offence of rioting and thereby committed an offence punishable U/S.147 of IPC?

3. *Whether the prosecution proves beyond reasonable doubt that on the above said date, time and place, accused No.1 to 7 were members of unlawful assembly and were at that time armed with deadly weapons like clubs, iron-rod and thereby committed an offence punishable under Section 148 of IPC?*
4. *Whether the prosecution proves beyond reasonable doubt that on the above said date, time and place, accused No.1 to 7 with common object to kill C.W.1, picked quarrel with him and thereby accused No.3 voluntarily caused hurt to C.W.2 by twisting her right hand, accused No.4 to 7 voluntarily caused simple hurt to C.W.1 to 3 with hands and legs and thereby accused have committed the offence punishable U/S.323 R/W. Section 149 f IPC?*
5. *Whether the prosecution proves beyond reasonable doubt that on the above said date, time and place accused No.1 to 7 with common object to kill C.W.1, picked quarrel with C.W.1 to 3 and thereby accused No.1 voluntarily caused simple hurt to C.W.1 with iron-rod on his head, accused No.3 voluntarily caused simple hurt to C.W.2 with club and thereby committed an offence punishable under Section 324 R/W. Section 149 of IPC?*

6. Whether the prosecution proves beyond reasonable doubt that on the above said date, time and place accused No.1 to 7 with common object to kill C.W.1 voluntarily caused hurt to C.W.1 & 2 with iron-rod and club with such intention and under such circumstances that by that act, the accused had caused the death of C.W.1 & 2, they would have been guilty of murder and thereby committed an offence punishable under Section 307 R/W. Section 149 of IPC?
7. Whether the prosecution proves beyond reasonable doubt that on the above said date, time and place, accused No.1 to 7 with common object to kill C.W.1 intentionally insulted C.W.1 to 3 in filthy words as ಸೊಳೆ ನನ್ನ ಮಕ್ಕಳ, ಲೋಫರ್ ನನ್ನ ಮಕ್ಕಳಾ and thereby gave provocation to C.W.1 & 2 intending that such provocation would cause C.W.1 & 2 to break public peace and thereby committed an offence punishable under Section 504 R/W. Section 149 of IPC?
8. Whether the prosecution proves beyond reasonable doubt that on the above said date, time and place, accused No.1 to 7 with common object to kill C.W.1 voluntarily caused hurt to C.W.2 intending to outrage her modesty and thereby committed an offence punishable under Section 354 R/W. Section 149 of IPC?
9. What order?

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

Points No.1 to 8 : In the ***negative***;

Point No.9 : As per final order for the following:-

REASONS

14. **Point No.1 to 8:-** These points are considered together, as they require common discussion.

15. The case of prosecution is as stated herein above.

16. The sum and substance of the oral evidence of P.W.1-Santosh reveals that he knows all the accused persons. The accused persons had quarreled with them with respect to the property bearing Sy.No.171 belonged to C.W.4-Krishnappa situated at Dalasagere. All the accused persons are his relatives. On 13.10.2018 at 11.00 a.m., all the accused persons were putting stone slabs in their land and at that time, C.W.4 has questioned the same and stopped the said work. C.W.4

has told them that the land belongs to him and thereafter went towards H-Cross. On the same day, at 4.00 p.m., the accused persons have again come near the land to install the stone slabs by holding iron-rod and clubs. Hence, himself, C.W.2 & 3 went there to stop their work.

17. P.W.1 has further deposed that at that time, the accused persons have threatened them that they would commit their murder if they try to stop their work. The accused No.1 assaulted on his head with a iron-rod, the accused No.3 has held the clothes of C.W.2, held her and twisted her right hand by assaulting her, the accused No.2 has assaulted on the back of C.W.3 with a club and other accused persons have assaulted him and C.W.2 & 3 with their legs. His father C.W.5-Srinivas came and pacified the quarrel and also took him to Nandagudi Government Hospital. C.W.2 & 3 have also taken treatment at Nandagudi Government Hospital.

18. P.W.1 has further deposed that on the same day at 8.30 p.m., he has registered a complaint against the accused persons as per Ex.P.1. The accused persons have abused him in filthy language at the time of incident. On the next day morning between 10.00 a.m., and 11.00 a.m., the police have drawn mahazar as per Ex.P.2 in the place as shown by him. At the time of mahazar, C.W.6 & 7 were also present. He knows the contents of Ex.P.2. At the time of mahazar, he has produced M.O.1 & 2-club and rod before the police used by the accused persons at the time of incident to assault them. The accused persons had caused injuries to him and C.W.2 as per Ex.P.3 to 6. The accused No.3 & 4 are now dead.

19. The sum and substance of the oral evidence of P.W.2-Kamalakshi reveals that C.W.1 is the son of her brother-in-law, C.W.3 is her husband and C.W.4 is her father-in-law. C.W.4 died about 1 year back. She knows all the accused persons and they are her relatives. The accused No.3 & 4 are dead. They own property at

Sy.No.171 measuring 13 ¼ acres which is in the name of C.W.4-Krishnappa. They have constructed houses in the said property. On 13.10.2018 at about 11.00 a.m., all the accused persons had been near the said land to install stone slabs. At that time, C.W.4 told them not to install the stone slabs and told that they would discuss about the same and went near H-Cross. The other portion of the property in which the houses are not constructed is still vacant. Again, on the same day at 4.00 p.m., the accused persons came near the land by holding iron-rod and clubs. At that time, herself and C.W.3 went near the said place and thereafter, C.W.1 also joined them. They informed the accused persons not to install the stone slabs and also told that they would discuss about the same when C.W.4 returns. At that time, the accused persons have abused them in filthy language and also threatened them with dire consequences on their lives.

20. P.W.2 has further deposed that the accused No.1 assaulted C.W.1 on his head with an iron-rod. When she went to rescue C.W.1, the accused No.3-Rajanna has held her clothes, pulled her and also twisted her right hand by assaulting her. The accused No.2 has assaulted C.W.3 with his hands and legs. The other accused persons also have assaulted her, C.W.1 & 3 with their hands and legs. Thereafter, C.W.5 has come near the spot and pacified the quarrel and took C.W.1 in his bike to Nandagudi Government Hospital for treatment. The accused persons have assaulted them with M.O.1 & 2 and also identified Ex.P.3 to 6-photographs. She has given statement before the police about the incident.

21. The learned Public Prosecutor has treated this witness as partly hostile. But, during the course of cross-examination by the learned Public Prosecutor, P.W.2 admits that at the time of incident, the accused No.2 snatched club from accused No.3 and tried to assault C.W.3 and C.W.3 escaped from the same and

even then, the accused No.2 has assaulted C.W.3 on his hands with a club.

22. The sum and substance of the oral evidence of P.W.3-Nagaraju reveals that C.W.1 is the son of his elder brother-C.W.5. C.W.2 is his wife and C.W.4 is his father. C.W.4 died about 1 year back. He knows all the accused persons and they are his relatives. The accused No.3 & 4 have died. They own property at Dalasagere village bearing Sy.No.171 measuring 13 $\frac{1}{4}$ acres which is in the name of C.W.4-Krishnappa. The accused and themselves have constructed houses in the said property. The other portion of the property in which the houses are not constructed is still vacant. There were disputes between them and the family of accused No.4 frequently with respect to the said property. The elders of the village and panchayathdars had told them to discuss about the same.

23. P.W.3 has further deposed that on 13.10.2018 at about 11.00 a.m., all the accused persons had been

near the said land to install stone slabs. At that time, C.W.4 told them not to install the stone slabs and told that they would discuss about the same and went near H-Cross. Again, on the same day at 4.00 p.m., the accused persons came near the land by holding iron-rod and clubs and were trying to install the stone slabs. At that time, himself, C.W.1 and C.W.2 went near the said place and informed the accused persons not to install the stone slabs and also told that they would discuss about the same when C.W.4 returns. At that time, the accused No.1 has abused them in filthy language and also threatened them with dire consequences on their lives.

24. P.W.3 has further deposed that the accused No.1 assaulted C.W.1 on his head with an iron-rod. When himself and C.W.2 went to rescue C.W.1, the accused No.3-Rajanna has held clothes of P.W.2, pulled her and also twisted her right hand by assaulting her. The accused No.2 has snatched the club from accused No.3

and tried to assault him, but, he escaped from the same, but, he sustained one assault on his hand. At that time, C.W.5 has come near the spot and pacified the quarrel and took C.W.1 in his bike to Nandagudi Government Hospital for treatment. Himself and C.W.2 have gone to Nandagudi Government Hospital in another bike and have taken treatment. The accused persons have assaulted them with M.O.1 & 2 and he also identified Ex.P.3 to 6-photographs. He has given statement before the police about the incident.

25. The sum and substance of the oral evidence of P.W.4-Srinivasappa reveals that C.W.1 is his son, C.W.3 is his younger brother and C.W.2 is the wife of C.W.3. C.W.4 is his father. They own property at Dalasagere village bearing Sy.No.171 measuring 13 ¼ acres which is in the name of C.W.4-Krishnappa. His grandfather and the grandfather of the accused persons are brothers. About 4-years ago, at about 11.00 a.m., the accused persons tried to install stone slabs in the said property.

At that time, C.W.4 informed the accused that the said property belongs to him and not to do any work. At that time, the accused persons have gone back and C.W.4 had gone to H-Cross. Again, at about 4.00 p.m., the accused persons have tried to install stone slabs in their land and at that time, he was not present at that spot and had been to his land.

26. P.W.4 has further deposed that somebody informed him that there was galata near his house and by the time, he came near his house, there was no galata, but, his son C.W.1 had sustained bleeding injury on his head. Their house and the house of accused persons is situated at Sy.No.171. He had taken C.W.1 in his bike to Nandagudi Government Hospital. C.W.2 also had sustained injury to her hand and her hand was twisted and hence, C.W.3 had brought her to Nandagudi Government Hospital for treatment. He has not seen the incident personally, but, he came to know that there was assault by using club and rod.

27. P.W.4 has further deposed that C.W.1 was admitted as in-patient in Nandagudi Hospital for 6-days and thereafter, was shifted to other hospital for further treatment. He cannot identify M.O.1 & 2. He has not given statement before the police stating that he had seen the accused assaulting C.W.1 & 2 and that he had pacified the quarrel. C.W.1 & 2 had sustained injuries as depicted in Ex.P.3 to 5-photos.

28. The learned Public Prosecutor has treated this witness as partly hostile and has cross-examined him. During the course of cross-examination of P.W.4, he has admitted the suggestions putforth by the learned Public Prosecutor. He has further stated that by the time he reached the place of incident, there was no quarrel. He admits that he has pacified the quarrel and took his son to hospital. He has stated that he had enquired his son about the quarrel and he had informed that at 4.00 p.m., the accused had formed unlawful assembly by holding club and rods and were installing the stone slabs by

threatening them as to they will look after if whoever refuses for the same. He has stated that his son informed him that when himself along with C.W.2 & 3 refused for the same, the accused persons had assaulted them.

29. P.W.4 has further stated that he has not seen the quarrel. Police had called him to police station with respect to the said incident. He has stated in his statement that, when he went near the house, he saw that the accused had formed unlawful assembly and were assaulting C.W.1 to 3 and he has pacified the quarrel.

30. The sum and substance of the oral evidence of P.W.5-Dr.Bhaskar Reddy, Medical Officer of Nandagudi Government Hospital reveals that C.W.2-Kamalakshi had taken first aid treatment with respect to the injuries sustained by her in the incident on 13.10.2018 at 3.30 p.m., On 16.10.2018 at 12.00 noon, was admitted for examination. He found that there was swelling in her right hand forearm and she had pain. He has given

treatment to C.W.2 and the injuries were simple in nature. He has given wound certificate as per Ex.P.7.

31. P.W.5 has further deposed that on 16.10.2018 at 10.00 a.m., C.W.1-Santosh was also admitted to their hospital with respect to the same incident. Before, he had taken treatment in another hospital. He had sustained cut injury on his forehead measuring 3 X ½ cms. C.W.1 informed him that he is having pain and he has treated C.W.1. C.W.1 was also subjected to CT-scan and from the report, he has found that C.W.1 had not sustained any hemorrhage or fracture injury. C.W.1 also had sustained simple injuries and he has issued wound certificate as per Ex.P.8 in this regard. There are chances of injuries as sustained by C.W.2, if a person is assaulted with M.O.1-club and there are chances of injuries as sustained by C.W.1, if a person is assaulted with M.O.2-iron-rod.

32. The sum and substance of the oral evidence of P.W.6-Y.C. Rajanna reveals that on 13.10.2018 at about

4.00 p.m., he visited the house of C.W.5 after completing his duties. At that time, there was quarrel between C.W.1 and the accused persons and by the time he reached their house, there was no galata. He had signed on Ex.P.2-panchanama in Nandagudi police station. C.W.1 was admitted to Nandagudi Government Hospital and he had been there to see C.W.1. At that time, the police called him to Nandagudi police station and has taken his signature on Ex.P.2. He had seen M.O.1 & 2 at Nandagudi police station. He does not know the contents of Ex.P.2 as he is illiterate.

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

34. The sum and substance of the oral evidence of P.W.7-Ashwatha reveals that he does not know about the quarrel taken place between C.W.1 and accused persons. About 4 years back, he had put his signature on Ex.P.2

at Nandagudi police station. Police had not taken him to any place for drawing mahazar and they have not seized any articles in his presence. He has not seen M.O.1 & 2 before and he does not know the contents of Ex.P.2.

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

36. The sum and substance of the oral evidence of P.W.8-Lakshminarayana, the then Police Sub-Inspector at Nandagudi police station reveals that on 13.10.2018, the complainant came to the police station and lodged complaint as per Ex.P.1. He has registered the case in Crime No.217/2018 and prepared FIR as per Ex.P.9. On 14.10.2018, he had been to the place of incident along with his staff, apprehended accused No.1 to 3 & 7, brought them to the police station at 7.00 a.m. and produced them before the court. On the same day, he has visited the place of incident and has drawn panchanama

as per Ex.P.2 from 10.00 a.m. to 10.45 a.m., in presence of C.W.6 & 7 in the place as shown by C.W.1. He has seized one club and iron-rod produced by C.W.1 and registered the same in P.F. No.163/2018 as per Ex.P.10. On the same day, he has recorded the statements of C.W.2 to 5 and received Ex.P.11-RTC record of the land in which the incident has taken place.

37. P.W.8 has further deposed that on 26.10.2018, he has received the wound certificates of C.W.1 & 2 as possession and enjoyment Ex.P.7 & 8. On 25.11.2018, accused No.4 to 6 had obtained anticipatory bail from the court and produced before him, he completed the arrest formalities and released him on bail.

38. P.W.8 has further deposed that on 03.12.2018, as the investigation of the case was completed and as there was prima-facie case against the accused persons, he filed charge-sheet against them. P.W.8 has identified M.O.1 & 2 before the court.

39. This is all the evidence available on record.

40. During the course of cross-examination of P.W.1 by the learned counsel for accused, he has stated that he knows reading and writing Kannada. He has given the complaint in typed copy, but, he does not know the name of who typed the complaint and he has not informed to police about his name. When he got typed Ex.P.1, C.W.2 & 3 were also present. On 13.10.2018 at about 8.00 p.m., he has got typed Ex.P.1 and submitted before the police station at 8.30 p.m. He states that initially, he had been to Government Hospital and he does not know the exact time. He informed before the doctor about how the incident happened. After taking treatment in the hospital, he got typed the complaint and had been to police station. He had received the receipt from hospital for having taken treatment, but, he has not produced the same before police. When he had been to police station, he has informed to police about where and when he had taken treatment. He only had produced Ex.P.3 to 6-

photos before police, which he had taken at Nandagudi and the said photo studio is next to police station. He has not submitted any documents of Sy.No.171 before the police.

41. P.W.1 further denies that Ex.P.2 was prepared in the police station and he has signed on the same in the police station. He admits that generally, M.O.1 & 2 are available in villages. His shirt was bloodstained, but, police has not seized the same. He does not remember the time of drawing Ex.P.2, but states that it was 14th. He had produced M.O.1 & 2 to police at the place where the incident occurred. He admits that accused No.4 & 5 were aged 70 or 80 years. He denies that they were suffering from illness and were not able to walk. He admits that near his house, if any loud sound or quarrel takes place, everybody can hear. He admits that the house of C.W.6 & 7 is not in that road and their residence is situated about 1 Km. from the place of

incident. He denies that he purposefully has lodged a complaint against the accused persons.

42. P.W.1 further admits that there is a civil dispute with respect to Sy.No.171 and the accused persons were constructing compound wall in front of their house. The house of accused No.1 & 3 is situated in the said land. On 13.10.2018 at 11.00 a.m., when the accused were constructing compound wall, he was not present. He denies that on the same day, at 4.00 p.m., he intentionally has picked up quarrel with the accused persons. He denies that the accused persons have not assaulted him. He denies that he himself had fallen on a stone and thereafter has lodged a complaint against accused persons.

43. P.W.1 further admits that he has not informed before the doctor about the name of the accused who assaulted him. He denies that as there is a civil dispute between them and accused persons, he has lodged a false complaint.

44. During the course of cross-examination of P.W.2 by the learned counsel for accused, she has admitted that the house of accused is situated in Sy.No.171 and there is a vacant space. She admits that there is a civil dispute in relation to Sy.No.171. C.W.1 has got typed the complaint at Nandagudi and he knows reading and writing Kannada. The person who typed the complaint had told how to write the complaint and on his instructions, they have signed. She admits that accused No.1 to 7 are his relatives. There are 10 houses in Sy.No.171. It is audible to all the 10 houses if anything else happens in Sy.No.171. C.W.6 is residing in old village which is at a distance of 10 Kms. from Sy.No.171. The house of C.W.7 is located in Hosakote, which is at a distance of 20 Kms. from Sy.No.171. She had produced the photographs Ex.P.3 to 6 and had told where it was taken. They told that it was taken in the hospital in the presence of doctors. They told about the incident to the doctor that accused No.1 assaulted.

45. P.W.2 has further stated that on 13.10.2018, she had taken treatment in the hospital between 8.00 p.m. and 8.30 p.m., They went to the hospital first and then prepared the complaint. The police have not recorded their statements on 13.10.2018. There was a dispute in relation to construction of a house in the land and it was compromised. On 13.10.2018 at 11.00 a.m., the accused have dug the pit and put up stone slabs. According to her, at 4.00 p.m., her father-in-law came and told to have talk about the stone slabs. According to her, the accused assaulted C.W.1 with iron-rod and with club to her. She denied that they themselves have sustained injuries.

46. During the course of cross-examination of P.W.3 by the learned counsel for accused, he has stated that there is a dispute in relation to Sy.No.171 and a civil suit is pending before Hosakote court. The suit is filed and then there was compromise. The accused No.1, 2 & 5 to 7 were parties in the civil suits. It was settled and now,

there is no dispute in relation to Sy.No.171. He admits that they are not having any dispute. They have forgiven the accused and the accused have also forgiven them. He admits that after giving the evidence before the court, they have compromised and they are not interested that the accused should be punished. He admits that he had obtained compensation in relation to the injuries sustained by him and he is not interested to proceed with the case. All the disputes are resolved. Nobody have forced him to give this evidence and he deposed with his own will.

47. During the course of cross-examination of P.W.4 by the learned counsel for accused, he has stated that he is not aware of anything about the dispute in relation to Sy.No.171. No mahazar was prepared in his presence. There was a civil dispute in Hosakote court with respect to Sy.No.171. All the disputes are compromised. There was a decision not to quarrel. He admits that after he has given evidence, the matter is compromised. The

police has not recorded his statement and he is not aware of anything. Nobody had forced him to give evidence earlier and he had voluntarily given statement.

48. During the course of cross-examination of P.W.5 by the learned counsel for accused, he has stated that there are corrections made in Ex.P.7. They have not informed him about who had caused the injuries. He had not noted the age of the injuries in Ex.P.7 & 8. He has not stated in Ex.P.7 & 8 that C.W.1 & 2 taking primary treatment. The police have not taken his opinion by producing M.O.1 & 2. If a person fell on the floor and kept his hand across, the injuries mentioned in Ex.P.7 could be caused. He had not noted how the injuries were caused to C.W.1 in Ex.P.8. If a person fell on sharp edged weapon, these type of injuries would be caused. He had not noted whether C.W.1 & 2 had taken primary treatment. He verified the CT-scan. He admits that if the MLC cases are received, the doctors will note in a

separate register. He had not noted the history of assault in Ex.P.7 & 8 as it was not relevant.

49. P.W.6 & 7 who are the witnesses to Ex.P.2 have totally turned hostile to the case of prosecution and even during the course of cross-examination by the learned Public Prosecutor, nothing is elicited from them which is favourable to the case of prosecution.

50. During the course of cross-examination of P.W.8 by the learned counsel for accused, he has stated that he has not enquired the complainant as to who typed the complaint. The injured had taken treatment on the same day. It is noted in the wound certificate that they had taken treatment on the same day. They have produced Ex.P.3 to 6. He has not enquired from where those photos Ex.P.3 to 6 were taken. The photographer is not made as a witness. Section 65-B certificate was not obtained. He had not sent the iron-rod and club to the doctor to take opinion. He is not aware of the civil dispute between the parties. He has produced the

document to show that there is a civil dispute, but, he has not collected any information.

51. In this case, on perusal of the evidence available on record, it could be seen that there is a dispute in relation to Sy.No.171. There was a civil suit pending before Hosakote court and after the evidence was recorded in this case, the said civil suit was compromised. The complainant has stated that accused No.1 assaulted with iron-rod on his head, accused No.3 dragged the clothes of C.W.2 and twisted her right hand and accused No.2 assaulted with club to the back of C.W.3 and the other accused persons have stamped them. P.W.1 has also stated that his father has pacified the quarrel. The incident had occurred at 4.00 p.m., in relation to the land dispute.

52. However, during the course of cross-examination, this P.W.1 has stated that he went to the hospital and told the doctor how the incident occurred and thereafter, he got the complaint typed and handed

over to the police. The photographs Ex.P.3 to 6 are produced before the police, which were taken at Nandagudi. He admits that accused No.4 & 5 are aged 70 or 80 years.

53. All these witnesses i.e. P.W.1 to 4 have admitted about the civil dispute in relation to Sy.No.171. It is also stated that because of placing of stone slabs, the incident occurred. However, the material witnesses have even though supported the case in their examination-in-chief, later, in their evidence have categorically stated that in view of the settlement between parties in relation to civil dispute, they have compromised the matter and their statement is voluntary.

54. P.W.6 & 7 - mahazar witnesses have not supported the case of prosecution. The statement of the doctor shows that the injuries sustained by P.W.1 could be caused if a person fall on a sharp edged weapon. In the evidence of Investigating Officer, he has stated that

he had collected the documents in relation to civil dispute, but, he has not investigated in that aspect.

55. Further, when there is a civil dispute and even the injured also has stated that now, they do not want to continue the dispute between them as they have compromised the matter, I am of the opinion that prosecution failed to prove the offences alleged against accused No.1, 2 & 5 to 7 beyond reasonable doubt. Accordingly, Point No.1 to 8 are answered in the ***Negative.***

56. **Point No.9:-** For the above reasons and in view of findings on point No.1 to 8, this Court proceeds to pass the following:-

ORDER

Accused No.1, 2 & 5 to 7 are acquitted U/S.235(1) Cr.P.C., for the offences punishable U/Ss.143, 147, 148, 323, 307, 354, 504 R/W. S.149 of Indian Penal Code.

Bail bond and suretyship of accused No. 1, 2 & 5 to 7 will be continued for a period of six months.

Accused No.1, 2 & 5 to 7 shall comply with S.437(1) of Cr.P.C., within one week from the date of this judgment and furnish 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.

Office is hereby directed to destroy M.O.1, as worthless and confiscate M.O.2 to the government after completion of appeal period.

(Dictated to the Stenographer, transcribed and computerized by her, script corrected, signed and pronounced by me in the open Court on this the 06th day of April, 2026.)

(B.S. Rekha)

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

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

P.W. 1	Santosh.
P.W. 2	Kamalakshi.
P.W. 3	Nagaraj.
P.W. 4	Srinivasappa.
P.W. 5	Dr.Bhaskar Reddy.
P.W. 6	Rajanna.
P.W. 7	Ashwatha.
P.W. 8	Lakshminarayana.

List of documents exhibited for prosecution:-

Ex.P. 1	Complaint.
Ex.P. 1(a)	Signature of P.W. 1.
Ex.P. 1(b)	Signature of P.W. 8.
Ex.P. 2	Mahazar.
Ex.P. 2(a)	Signature of P.W. 1.
Ex.P. 2(b)	Signature of P.W. 6.
Ex.P. 2(c)	Signature of P.W. 7.
Ex.P. 2(d)	Signature of P.W. 8.
Ex.P. 3 to 6	Photos.
Ex.P. 7	Wound certificate
Ex.P. 7(a)	Signature of P.W. 5.
Ex.P. 7(b)	Signature of P.W. 8.
Ex.P. 8	Wound certificate.
Ex.P. 8(a)	Signature of P.W. 5.
Ex.P. 8(b)	Signature of P.W. 8.

Ex.P.9	FIR.
Ex.P.9(a)	Signature of P.W.8.
Ex.P.10	P.F. No.163/2018.
Ex.P.10(a)	Signature of P.W.8.
Ex.P.11	RTC copy.

List of witnesses examined for accused:-

- NIL -

List of documents exhibited for accused:-

- NIL -

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

M.O.1	Club.
M.O.2	Rod.

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