

KABR010050372023



**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 16th day of April, 2026

Sessions Case No.273/2023

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

(By Learned Public Prosecutor,
Bengaluru Rural District.)

-VERSUS-

- Accused:-**
1. Nagamma,
W/o Devaraj,
Aged about 40 years,
 2. Kavitha,
D/o Thimmaiah,
Aged about 45 years,
 3. Jayamma,
D/o Narayanappa,
Aged about 64 years,

4. Sunandamma,
D/o late Thimmaiah,
Aged about 43 years,
5. Muniraju,
S/o Late Narayanappa,
Aged about 38 years,

Accused No.1 to 5 are
R/at Konadasapura Village,
Bidarahalli Hobli,
Bengaluru.

(By Sri Y.N.S-Advocate)

1.	Date of commission of offence	03.01.2022
2.	Date of report of occurrence	04.01.2022
3.	Whether accused are in custody or on bail.	Accused No.1 to 5 are on bail
4.	If in custody from which date	-
5.	Date of commencement of Evidence	23.10.2024
6.	Date of closing of evidence	17.01.2026
8.	Name of the Complainant	Bharathi V
9.	Offence complained of	U/Ss.506, 504, 149, 307, 323, 114 of Indian Penal Code.
10.	Opinion of the Judge	Accused No.1 to 5 found not guilty of offences punishable U/Ss.506, 504, 307, 323, 327, 114 r/w S.149 of Indian Penal Code.

11.	Order/Result	As per final order
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J U D G M E N T

The Police Inspector, Avalahalli police station Bengaluru Rural District has filed charge-sheet against the accused persons alleging the offences punishable U/Ss.506, 504, 307, 323, 114 r/w S.149 of Indian Penal Code.

2. The case of prosecution is that on 03.01.2022 at about 5.30 p.m, at Konadasapura Village, Bidarahalli Hobli, Bengaluru East Taluk, within the jurisdiction of the Avalahalli Police Station, in front of the residence of Mariyappa when C.W.2 went to the Government tap to fetch water, the accused persons motivated by an old grudge, with common object picked a quarrel with C.W.2, abused her in foul language and with the intention to kill, the accused No.1 brought an iron rod from his house and assaulted C.W.2 on the right side of her head; accused-Jayamma snatched the iron rod from accused

No.1's hand and assaulted C.W.2 on the middle of the head; accused- Kavitha and Sunandamma held C.W.2 tightly and kicked and punched all over the body, causing pain and injury; upon hearing the commotion when C.W.1 came to the spot, accused No.1 kicked C.W.1 on her stomach; accused No.3 caughthold C.W.1 tightly while accused No.2 & 4 assaulted C.W.1 with their hands and feet causing injuries and that the accused No.5 present at the scene instigated the other accused to beat and kill C.W.2 and thereby the accused persons have committed the aforesaid offences.

3. After receipt of this charge-sheet, learned ACJM, Bengaluru Rural District, Bengaluru has complied with S.209 Cr.P.C and committed the charge-sheet and other materials to this Court by an order dated 25.09.2023 in C.C. No.4333/2023. After committing the case to this Court, this case is registered.

4. The accused No.1 to 5 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 persons alleging the offences punishable U/Ss.506, 504, 307, 323, 327, 114 r/w S.149 of IPC. After understanding the contents of the charge, read-over and explained to accused persons in the language known to them, they pleaded not guilty and claimed trial.

6. In order to prove its case, prosecution has examined 8 witnesses as P.W.1 to P.W.8, got marked Ex.P.1 to Ex.P.9 and M.O.1 to 3 and closed its side.

7. Statement of accused U/S.313 Cr.P.C., is recorded after completion of the evidence of prosecution by putting incriminatory evidence against accused, which were found in the evidence of prosecution witnesses and accused have denied the prosecution case in said statement.

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 U/S.232 Cr.P.C., for the offences punishable U/Ss.506, 504, 307, 323, 327, 114 r/w S.149 of IPC. Hence, the case is posted for defence evidence. However, accused and learned counsel for accused submitted that there is no defence evidence on their behalf.

9. On perusal of the order sheet, accused No.1 to 5 have complied with S.437-A of 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.

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

1. *Whether the prosecution proves beyond reasonable doubt that on 03.01.2022 at about 5.30 p.m, at Konadasapura Village, Bidarahalli Hobli, Bengaluru East Taluk, within the jurisdiction of the Avalahalli Police Station, in front of the residence of Mariyappa when C.W.2 went to the Government tap to fetch water, the accused persons motivated by an old grudge, with common object picked up quarrel with C.W.2, abused her in foul language and thereby gave provocation to C.W.2 intending or knowing it to be likely that such provocation will cause her to break public peace or to commit any other offence and thereby accused has committed the offence punishable U/S.504 r/w 149 of Indian Penal Code?*
2. *Whether the prosecution proves beyond reasonable doubt that on the above noted date and place, with common object accused-Kavitha and Sunandamma held C.W.2 tightly and kicked and punched all over the body; accused No.1 kicked C.W.1 on her stomach; accused No.3 caught hold C.W.1 tightly and accused No.2 & 4 assaulted C.W.1 with their hands and feet and caused injuries and thereby accused have committed the offence punishable U/S.323 r/w 149 of Indian Penal Code?*
3. *Whether the prosecution proves beyond reasonable doubt that on the above noted date and place, accused persons with common object picked up quarrel with C.W.2 and the accused No.1 brought an iron rod from his house and assaulted C.W.2 on the*

right side of her head; accused-Jayamma snatched the iron rod from accused No.1's hand and assaulted C.W.2 on the middle of the head; accused-Kavitha and Sunandamma held C.W.2 tightly and kicked and punched all over the body causing pain and injury; accused No.1 kicked C.W.1 on her stomach; accused No.3 caught hold C.W.1 tightly while accused No.2 & 4 assaulted C.W.1 with their hands and feet causing injuries with such an intention or knowledge and under such circumstances, that if by that act, accused have caused the death of C.W.2, they would have been guilty of murder and thereby accused persons have committed the offence punishable U/S.307 r/w S.149 of Indian Penal Code?

4. *Whether the prosecution proves beyond reasonable doubt that on the above noted date and place, with common object accused snatched one golden mangalya chain weighing 150 grams and 50 grams chain from the neck of C.W.1 and thereby committed the offence punishable under S.327 r/w S.149 of IPC?*
5. *Whether the prosecution proves beyond reasonable doubt that on the above noted date and place, the accused persons with common object committed criminal intimidation by threatening C.W.2 on her life with dire consequences with an intention to cause alarm to her and thereby committed the offence punishable under S.506 r/w S.149 of IPC?*

6. *Whether the prosecution proves beyond reasonable doubt that on the above noted date and place, with common object accused No.5 instigated accused No.1 to 4 to assault C.W.1 & 2 and thereby the accused have committed the offence punishable U/S.114 r/w S.149 of IPC?*
7. *What order?*

12. Findings 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 case of prosecution is as stated herein above.

15.1. C.W.1 is examined as P.W.1-Bharathi V, who has deposed that she knows accused No.1 to 5. Accused No.3 is sister of her mother-in-law; accused No.1, 3 and

5 are children of accused No.4 and that accused No.2 is daughter of accused No.4. CW.2-Narayanamma is her mother-in-law and C.W.7 is her husband. C.W.3 is resident of the house which is situated opposite to her house. C.W.4 to 6 came to work for construction of their house. Accused No.1 to 5 are residing near their house. The said fact goes to show that C.W.1 & 2 and the accused persons are related to each other.

15.2. P.W.1 has deposed that on 03.01.2022, in between 05:00 and 06:00 p.m, her mother-in-law had been to bring water from Public Water Tank; at that time, there was quarrel between C.W.2 and the accused No.1 to 5 and when she went there to bring her mother-in-law, accused No.1 and 4 abused her and her mother-in-law in filthy language by using the words 'ನಿಮ್ಮಪ್ಪ ನಿನ್ನನ್ನ ಇಚ್ಛೆ ಒಡು ಏನಾದರೂ ಮನೆ ಕಟ್ಟಿಸ್ತಾ ಯಿದ್ದಾ ರಾ'. She further deposed that accused No.3 had repeated the same words to her mother-in-law. At that time, accused No.2 caught hold

her mother-in-law and assaulted her with hands and because of that the spectacles of her mother-in-law was broken and by then, she pushed accused No.2 to prevent the quarrel. She has stated that accused No.1 and 4 caught hold her, accused No.3 assaulted on her back (backside of the neck) from backside. She cannot say from which weapon she assaulted her, but she fall down and at that time, accused No.2 kicked on right side of her abdomen and the villagers came and rescued them. Afterwards, on the same day at about 07:30-08:00 p.m, she lodged the complaint. However, as police told them that they require medical documents, case was registered on the next day.

15.3. She has deposed that they were constructing a building and had put their Water Tank on the wall of their house and also on the wall of neighboring house which belongs to accused No.3. Because of that, already

quarrel had taken place twice before this incident and third time this incident had taken place.

15.4. The complaint at Ex.P.1 lodged by her is written by her husband and she puts signature to it as per Ex.P.1(a).

15.5. She has stated that accused No.1, 3 and 4 together pushed her mother-in-law to the wall and because of that her spectacles was broken and she sustained bleeding injury on her head and that she got admitted to the hospital by her husband. Hence, she does not know the name of the Hospital.

15.6. It is stated that she had taken treatment at Government Hospital, K.R.Puram and then at Deepa Nursing Home, K.R.Puram and presently she is taking treatment at Sparsha Hospital, Yeshwanthpura.

15.7. She has deposed that on 05.01.2022, police came to their place and enquired the neighbourers

and in the afternoon, police came near the spot of incident and took her signature to panchanama-Ex.P.2. She has shown the spot of incident to police, but she does not know what they did afterwards. The P.W.1 was treated as partly hostile by the prosecution.

16. P.W.1 in her cross-examination has she has shown the iron rod used for assaulting her mother-in-law, which was lying on the spot of incident to the police and it is marked as M.O.1. she does not know that accused persons have taken Mangalyam chain weighing 150 grams and another chain weighing 50 grams but, they were lost in that incident. She admits that she has given further statement on 06.01.2022. She does not remember that panchanama was drawn on 04.01.2022 and not on 05.01.2022. She admits that Ex.P.3 photograph was taken at the spot of incident at the time of drawing up of panchanama subject to production of CD and Certificate U/s 65-B of Evidence Act. She denied

that due to ill will against the accused, she has lodged the false complaint.

17. C.W.10 examined as P.W.2 who has deposed that he was working as Medical Officer at General Hospital, K R Puram from June 2019 to June 2024 on contract basis. On 03.01.2022, at 07:50 p.m, P.W.1 came to the Hospital with the history of assault with iron rod by accused No.1 to 5 at Konadasanapura. He found tenderness and pain on her left shoulder, back and abdomen and also found scratch marks on left side of her face and opined that the said injuries are simple in nature and issued Wound Certificate as per Ex.P.4 and he identified his signature as Ex.P.4(a). It is in his evidence that if a person hit on the back with M.O.1-rod shown to him, the tenderness on the back and shoulder mentioned in Ex.P.4 could be caused. If kicked with leg, the tenderness on abdomen mentioned in Ex.P.4 could be

caused. The scratch marks on face could be caused if sliced with nails.

18. P.W.2 in his cross-examination has stated that if a stone piece or stone fall from 1st floor of construction place to the person who was standing on the ground floor, tenderness and pain on back and left shoulder could be caused. If she fall on the wooden clubs lying on the floor, then pain on the abdomen could be caused. Likewise, if a person fall on the ground, the scratch mark on the face could be caused.

19. C.W.4 examined as P.W.3-Anil who has deposed that accused No.1 to 5 are from his village and he knows them. He does not know anything about the case and he has not given statement before IO. Hence, he is treated as hostile by the prosecution.

20. C.W.6 examined as P.W.4-Lokesh, who deposed that about two years prior to his deposition when he was working in the building at Konadasapura village belonged

to C.W.7, at 3.30-4.00 p.m., police took his signature to Ex.P.2-panchanama as per Ex.P.2(a) and at that time police have not recovered anything in his presence. He deposed about taking Ex.P.3-photograph. He does not know the contents of Ex.P.2. Hence, he was also treated as hostile by the prosecution.

21. In his cross-examination, P.W.4 has stated that C.W.1 and 7 are related him. He admits that house of C.W.1, 2 and 7 is constructed by the side of the house of accused No.5. Police have not issued panch notice to him before drawing up of panchanama.

22. C.W.7 examined as P.W.5. He deposed that on 19.01.2022 he had been to Avalahalli police station at about 5.00 p.m., and produced bloodstained clothes of his mother-Narayanamma i.e., saree and blouse and police seized it as per Ex.P.6-panchanama and his signature is at Ex.P.6(a). The clothes of his mother were

marked as M.O.2 & 3. According to him, his mother and wife had sustained injuries in the incident of galata.

23. C.W.2 examined as P.W.6. She has deposed that C.W.1 is her daughter-in-law and accused are her relatives and are near their house. About 4 years back at about 5.30 p.m. after finishing her work, when she went near the tap, accused No.1 picked up quarrel with her in relation to old enmity between them in respect of the land and abused her in foul language. Thereafter, all accused came and assaulted her with some object and she sustained bleeding injury and sat there. When C.W.1 tried to pacify the quarrel, the accused also assaulted on her stomach. Thereafter, they were taken to the hospital. She does not know whether police have taken her statement. Her saree was stained with blood and she has given it to the police. This witness is also treated as hostile by the prosecution.

24. P.W.6 in her cross-examination has admitted that accused No.5 has executed release deed in her favour and in favour of Manjunath on 09.02.2009. Nagamma is her sister's daughter. Kavitha is the grand daughter of Jayamma. She admits that now they have built four storied building by the side of the house of accused. They have installed water tank on the sheet house of the accused.

25. C.W.5 examined as P.W.7-Ramesh, who deposed about Ex.P.8 notice and his signature on Ex.P.2. Police have not seized anything in his presence. He does not know the contents of Ex.P.2. He was also treated as hostile by the prosecution.

26. C.W.13 examined as P.W.8, who deposed about filing of complaint by the P.W.1 as per Ex.P.1 and registering the FIR on that basis as per Ex.P.9.

27. In this case, P.W.1 and 6 who are the injured in the alleged incident have turned partly hostile to the

case of prosecution. Likewise, P.W.3, 4 and 7 also turned hostile to the case of prosecution.

28. On going through the evidence of P.W.1 & 6, there are disputes between the accused and themselves with regard to installation of water tank on the house of C.W.2. Furthermore, the accused and the P.W.1, 5 and 6 are related to each other. However, the evidence of P.W.1 and 6 is not supported by the evidence of other witnesses. The one who are examined have not supported the case of prosecution. Thus, the materials available on record are not sufficient to establish the case of prosecution. The complainant has not proved that she sustained fatal injuries either to herself or to her mother-in-law (P.W.6). The wound certificate produced as per Ex.P.3 reveals that P.W.1 sustained simple injuries. The medical evidence is not supported by the evidence of injured. No independent witnesses are examined to establish the alleged offences. Hence, in

my opinion, the Court can come to the conclusion that the prosecution has failed to prove the guilt of the accused beyond reasonable doubt. Always, accused is entitled for benefit of doubt. Accordingly, Point No.1 to 6 are answered in the ***Negative***.

29. **Point No.3:-** 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 5 are acquitted U/S.235(1) Cr.P.C., for the offences punishable U/Ss.506, 504, 307, 323, 327, 114 r/w S.149 of Indian Penal Code.

Bail bond and suretyship of accused No.1 to 5 will be continued 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.2 & 3 as worthless and confiscate M.O.1

to the Government after completion of appeal period.

(Dictated to the Stenographer Grade-I, transcribed and computerized by him, script corrected, signed and pronounced by me in the open Court on this the 16th 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	Bharathi V
P.W.2	Dr. M.K.Azad
P.W.3	Anil
P.W.4	Lokesh
P.W.5	Manjunath C
P.W.6	Smt. Narayanamma
P.W.7	Sri Ramesh
P.W.8	Sri Kempegowda

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	Panchanama
Ex.P.2(a)	Signature of P.W.1.

Ex.P.3	Photograph
Ex.P.4	Wound certificate
Ex.P.4(a)	Signature of P.W.2
Ex.P.5	Statement of P.W.3
Ex.P.6	Mahazar dated 19.01.2022
Ex.P.6(a)	Signature of P.W.5
Ex.P.7	Photograph
Ex.P.8	Notice
Ex.P.8(a)	Signature of P.W.7
Ex.P.9	FIR
Ex.P.9(a)	Signatures of P.W.7

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	Iron rod
M.O.2	Saree
M.O.3	Blouse

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