

KABR400002332018



**IN THE COURT OF IV ADDITIONAL DISTRICT & SESSIONS JUDGE
SITTING AT DODDABALLAPURA, BENGALURU RURAL DISTRICT**

Dated 17th Day of March 2026

: PRESENT:

SMT. NIRMALA .K, B.A. M.L.,
IV Additional District and Sessions Judge,
Doddaballapura, Bengaluru Rural District.

S.C. No. 10023 / 2018

COMPLAINANT : **Doddaballapura Town
Police Station**
**(Reptd. By learned Public
Prosecutor)**

V/s

ACCUSED : **A.1 - Yallappa @ Suri @ Vale @ Thite**
S/o. Nagaraju
Aged about 26 years
R/at. Near Duggamma Temple
Veerabhadranapalya
Doddaballapura Taluk
Bengaluru District

A.2 - Harsha

S/o. Ramesh, Aged about 22 years
R/at. 10th Cross, Shanthinagar
Dargajogahalli Main Road

Doddaballapura Town
Bengaluru District

A.3 - Rajesh

S/o. Mahesha
Aged about 27 years
R/at. No.29, 8th Main, 7th Cross
Basaveshwar Nagar
Bengaluru City

A.4 - Sumanth

S/o. Thimmayya
Aged about 18 years
R/at. No.534, 3rd Main Road
Chowdeshwarinagara
Laggere, Bengaluru

A.5 - Narasimha

S/o. Raju
Aged about 22 years
R/at. No.25, L- Block
Lakshmidivinagara
Laggere, Bengaluru

(Accused No.1 and 2 are in J.C.

Accused No.3 - Split up

Accused No.4 - By Sri. C.R.S., Advocate,

Accused No.5 - By Sri. M.S., Advocate)

Date of Offence	12.10.2016
Report of Offence	12.10.2016
Arrest of the accused	A-1 to A-5 are on Body warrant in J.C.
Date of release on bail	A.1 – 25.03.2021 A.2 - 11-06-2021 A.3 – 28.01.2021 A.4 – 10.03.2017 A.5 – 25.06.2019
Commencement of trial	21.08.2016
Closing of trial	04.10.2025
Name of the complainant	Sri. Shashikumar
Offences complained of	Section 143, 147, 148, 323, 504, 506 and Section 307 R/w. Section 149 of I.P.C.
Opinion of the Judge	As per the final order

J U D G M E N T

This case is received upon committal of the case in C.C.No.983/2017 on the file of Additional Civil Judge & J.M.F.C., Doddaballapura, Bengaluru Rural District in pursuance of the Charge Sheet filed by Police Sub-Inspector, Doddaballapura Town Police Station for the trial of accused for the offences punishable under Section Section 143, 147, 148, 307, 504 and 506 R/w. Section 149 of I.P.C.

2. Case of the prosecution in brief is as follows;

It is the case of prosecution that, on 12.10.2016 around 02.45 a.m. when CW-1 to CW-3 were at their house at Doddaballapura Town, Srinagar, accused no. 1 keeping the previous grudge with an intention to kill CW-2 along with accused no. 2 to accused no.5 formed unlawful assembly holding deadly weapons in their hands asked accused no. 5 to wait outside the house and accused no. 1 to 4 entered into the house of CW-2 and accused no.2 assaulted CW-2 with iron rod to his head, abused him in filthy language and assaulted CW-2 with knife and gave life threat to him. When CW-1 came to rescue him, accused no. 2 took the same rod and assaulted CW-1. When CW-3 came to rescue them, accused no. 3 and 4 assaulted him with their hands and seeing the public, giving all the accused around, ran away by giving life threat to them and accused are charge-sheeted for the above said offences.

3. The P.S.I. of Doddaballapura Town Police Station found that, there were sufficient materials available against the accused and hence, after completion of investigation submitted the charge-sheet before learned Magistrate against the accused for the offences punishable under Section 143, 147, 148, 307, 504 and 506 R/w. Section 149 of I.P.C. After taking cognizance, Criminal Case was registered in C.C.No.983/2017. Since offence u/sec.307 I.P.C. is exclusively triable by the court of Sessions, learned Magistrate acting U/sec.209 Cr.P.C, committed the case to this court for disposal in accordance with law. Accordingly,

S.C.No.10023/2018 was registered and summons issued to accused and accused no.1 and 2 are on bail and accused no.3 is split up and accused no.4 and 5 are on bail. Charge sheet copies were furnished to the Accused. Since there were sufficient materials available against the accused, charges were framed and read over and explained to the accused in the language known to them. They pleaded not guilty and claimed to be trial.

4. The prosecution to bring home the guilt of the accused cited in all 23 charge-sheet witnesses, wherein CW-1 is the complainant examined as PW-1. Injured witnesses CW-2 is examined as PW-2. Major witnesses CW-3 to CW-6, CW-8 and CW-12 are examined as PW-3 to P.W-5 and P.W-7 to PW-10. One of the eye witness CW-7 is examined as PW-6. CW-12 doctor who has given treatment to CW-2 is examined as PW-6. FSL Officer who has examined the material objects and given the report - CW-13 is examined as PW-13. Lastly Investigating Officers CW-21 and CW-23 are examined as PW-11 and PW-14. The prosecution has got marked Ex.P-1 to Ex.P-19 and material objects as M.O-1 to M.O-5. Prosecution side evidence was closed.

5. After closing of evidence of prosecution witnesses, this Court has recorded the statement of accused under Section 313 of Cr.P.C, in which they have denied all the incriminating materials forthcoming against them in the prosecution

evidence and have not chosen to adduce any defence evidence. This court did not act under section 232 of Cr.P.C.

6. **Arguments** were heard from both sides.

7. The **points** that arise for my consideration are as follows;-

1. Whether the prosecution proves beyond all reasonable doubt that on 12.10.2016 around 02.45 a.m. when CW-1 to CW-3 were at their house at Doddaballapura Town, Srinagar, accused no. 1 keeping the previous grudge with an intention to kill CW-2 along with accused no. 2 to accused no.5 formed unlawful assembly and thereby committed an offence punishable u/sec.143 R/w. Section 149 of IPC?
2. Whether the prosecution further proves beyond all reasonable doubt that, on the above said date, time and place, accused no. 1 keeping the previous grudge with an intention to kill CW-2 along with accused no. 2 to accused no.5 formed unlawful assembly holding deadly weapons in their hands and thereby committed the offence punishable under section 147 R/w. Section 149 of IPC?
3. Whether the prosecution further proves beyond all reasonable doubt that, on the above said date, time and place, accused no. 1 keeping the previous grudge with an intention to kill CW-2 along with accused no. 2 to accused no.5 formed unlawful assembly holding deadly weapons in their hands and trespassed into the house of CW-2 and thereby committed the offence punishable under section 148 R/w. Section 149 of IPC?

4. Whether the prosecution further proves beyond all reasonable doubt that, on the above said date, time and place, accused no. 1 keeping the previous grudge with an intention to kill CW-2 along with accused no. 2 to accused no.5 illegally trespassed into the house of CW-2 and asked accused no.5 to stand outside the house and accused no.2 assaulted CW-2 with iron rod on his head and caused grievous injuries to CW-2 and tried to kill him and thereby committed the offence punishable under section 307 R/w. Section 149 of IPC?

5. Whether the prosecution further proves beyond all reasonable doubt that, on the above said date, time and place accused no.2 assaulted CW-2 with iron rod to his head and assaulted CW-2 with knife and gave life threat to him. When CW-1 came to rescue him, accused no. 2 took the same rod and assaulted CW-1. When CW-3 came to rescue them, accused no. 3 and 4 assaulted him with their hands and voluntarily caused hurt to CW-1 to CW-3 and thereby committed the offence punishable under section 323 R/w. Section 149 of IPC?

6. Whether the prosecution further proves beyond all reasonable doubt that, on that on the above said date, time and place accused no.2 assaulted CW-2 with iron rod to his head and abused him in filthy language and provoked them intending that such provocation will cause them to break the public peace, and thereby committed an offence punishable under section 504 R/w. Section 149 of IPC?

7. Whether the prosecution further proves beyond all reasonable doubt that, on the above said date, time and place, accused criminally intimidated CW-2 with life threat to him and thereby committed an offence punishable u/sec.506 R/w. Section 149 of IPC?

8. To what order?

8. My **findings** to the above said points are as follows;

Point No.1 : In the negative,

Point No.2 : In the negative,

Point No.3 : In the negative,

Point No.4 : In the negative,

Point No.5 : In the negative,

Point No.6 : In the negative,

Point No.7 : In the negative,

Point No.8 : As per final order,

for the following;

R E A S O N S

9. **Point No.1 to 7:-** Since these points are interlinked with one another, they are taken up together for consideration, for avoiding repetition of discussion on the facts of the case and also regarding point of law.

10. Prosecution in order to bring home the guilt of the accused got examined **complainant/ CW-1 – Shashikumar as PW-1** who state in his evidence that he does not know the accused persons. His and CW-4's house is located at Srinagara layout. On 12.10.2016 during night hours when they were sleeping, he got sound from outside and when he came and saw his brother was fell unconscious. He had sustained injuries to his head and stomach. Regarding this, he

was taken to Byatarayanapura Pro-Life Hospital and later on lodged complaint before the police as per Exhibit P-1. He state that he does not know who has assaulted his brother. He denied giving any statement before the police.

11. On perusal of Exhibit P-1 - complaint, it is noticed that complainant has narrated about the incident and given the complaint. But when he was examined before the court, he has completely given go-bye evidence. Therefore, the Learned Public Prosecutor treated him hostile and cross-examined him, wherein he has completely denied his suggestion and hence turned hostile. He has completely denied the contents of Exhibit P-1 complaint.

12. Further prosecution examined injured witness **CW-2 – Raghunath as PW-2** who support the version of PW-1 in his evidence and state that on 12.10.2016 someone knocked the door in the early morning and when he opened the door some three people entered the house and assaulted him with iron rod and he fell unconscious. He has taken treatment for 2 days in the hospital. Further, he has denied to identify the knife and iron rod. He has denied the occurrence of the incident. Therefore, Learned Public Prosecutor treated him hostile and cross examined him, wherein he has completely turned hostile and did not support the case of prosecution.

13. Prosecution further examined mahazar witnesses CW-3 to CW-10 i.e., **CW-3 – Rajamma as P.W-3, CW-4 –**

Varalakshamma as P.W-4, CW-5 – Ravikumar as P.W-5, CW-6 – K. Muniraju as P.W-7, CW-7 – Shivakumar as P.W-8, CW-8 – Raghunath as P.W-9, CW-9 – Chandrashekar as P.W-10, CW-10 – Ramesh as P.W-12 who are the signatories to spot mahazar and seizure mahazar. But, when they were examined before the court they have completely denied the drawing of mahazar and seizure of material objects in their presence. Though they were treated hostile by learned Public Prosecutor and cross examined them, they have completely denied his suggestion and hence all the material mahazar witnesses have not supported the case of prosecution.

14. Further, prosecution examined **CW-12 – Dr. Raghavendra G.C. as PW-6**. He stated in his evidence about the injuries found on CW2 and issuance of wound certificate as per Exhibit P-10. Since there was no representation from counsel for the accused, the cross-examination was taken as nil. Though he was remained not cross-examined by the accused, still his evidence does not help the prosecution to prove the guilt of accused. He only stated about the injuries found on CW-2, but he does not have any personal knowledge as to how he has sustained those injuries. Apart from this, CW-2 has not mentioned the name of the assailant and the weapon used. Therefore, non cross-examination of PW-6 does not prove fatal to the case of defence.

15. For the prosecution examined CW-13, **Dr. Radha as PW-13** who has stated in her evidence about the receiving of material object to FSL for examination. **CW-21 – Kallappa S. Karath is examined as P.W-11** in his evidence state about the part investigation conducted by him in the instant case. **CW-23 – Jagadish K.S.** is examined as **PW-14** who stated in his evidence about the investigation conducted by him in the instant case. However, nothing material was elicited from his evidence in order to discredit his version.

16. Thus from the above discussion, it is clear that the complainant and injured witnesses have completely turned hostile. They have denied the occurrence of incident. Even one of the eyewitness has also turned hostile. Further, the seizure of material objects and drawing of mahazar is not proved. Since mahazar witness has turned hostile, this indicate that almost all the material witnesses have not supported the case of prosecution. Though the doctor is not cross-examined by the learned counsel for the accused that itself is not sufficient to hold that the accused have committed the alleged offence. Under such circumstances, conviction cannot be made relying upon the evidence of investigating officers. Therefore, the materials available on record clearly indicate that, the prosecution has failed to prove essential ingredients of above consequences and they have utterly failed to prove the guilt of the accused beyond all reasonable doubt. **Accordingly, I answered point no.1 to 7 in the 'Negative'.**

17. Point No.8 :- In view of my finding recorded on point No.1 to 7, I proceed to pass the following;

ORDER

Acting u/s 235(1) Cr.P.C., accused no.1, 2, 4 and 5 are hereby acquitted for the offences punishable under Section 143, 147, 148, 307, 323, 504 and 506 R/w. Section 149 of I.P.C.

Bail bond of accused no.4 and 5 and that of their sureties shall stand cancelled.

The material objects M.O-1 to M.O-5 shall be preserved till disposal of split up case against accused no.3.

(Dictated to the Stenographer, transcribed and computerized by her, corrected and then pronounced by me in open Court on this the **17th day of March 2026**)

(NIRMALA. K.)

IV Addl. Dist. & Sessions Judge,
Doddaballapura

: ANNEXURE :

LIST OF WITNESSES EXAMINED BY PROSECUTION:

PW-1	:	Shashikumar
PW-2	:	Raghunath
PW-3	:	Rajamma

PW-4	:	Varalakshamma
PW-5	:	Ravikumar
PW-6	:	Dr. Raghavendra G.C.
PW-7	:	K. Muniraju
PW-8	:	Shivakumar
PW-9	:	Raghunath
PW-10	:	Chandrashekar
PW-11	:	Kallappa S. Karath
PW-12	:	Ramesh
P.W-13	:	Dr. Radha
P.W-14	:	Jagadish K.S.

LIST OF WITNESSES EXAMINED FOR DEFENCE:

- Nil -

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-14
Ex.P-2	:	Statement of P.W-1
Ex.P-3	:	Statement of P.W-1
Ex.P-4	:	Statement of P.W-2
Ex.P-5	:	Spot Mahazar
Ex.P-5(a)	:	Signature of P.W-3
Ex.P-5(b)	:	Signature of P.W-7
Ex.P-5(c)	:	Signature of P.W-8
Ex.P-5(d)	:	Signature of P.W-14
Ex.P-6	:	Seizure Mahazar
Ex.P-6(a)	:	Signature of P.W-3
Ex.P-6(b)	:	Signature of P.W-8
Ex.P-6(c)	:	Signature of P.W-9
Ex.P-6(d)	:	Signature of P.W-14
Ex.P-7	:	Statement of P.W-3
Ex.P-8	:	Statement of P.W-4
Ex.P-9	:	Statement of P.W-5
Ex.P-10	:	Wound certificate
Ex.P-10(a)	:	Signature of P.W-6
Ex.P-11	:	Seizure Mahazar
Ex.P-11(a)	:	Signature of P.W-10
Ex.P-11(b)	:	Signature of P.W-12
Ex.P-11(c)	:	Signature of P.W-14

Ex.P-11(d)	:	Accused no.1 signature
Ex.P-12	:	Report dated 23.10.2016
Ex.P-13	:	True copy of statement of accused no.1
Ex.P-14	:	True copy of complaint (Crime No.328/2016)
Ex.P-15	:	True copy of F.I.R. (Crime No.328/2016)
Ex.P-16	:	Statement
Ex.P-17	:	F.S.L. Lab Report
Ex.P-17(a)	:	Signature of P.W-13
Ex.P-17(b)	:	Signature of FSL Director
Ex.P-17(c)	:	Sample seal
Ex.P-17(d)	:	Signature of P.W-14
Ex.P-18	:	F.I.R.
Ex.P-19	:	Accused Statement

LIST OF DOCUMENTS EXHIBITED FOR DEFENCE:

- Nil -

LIST OF DOCUMENTS MARKED ON BEHALF OF COURT:

- Nil -

LIST OF MATERIAL OBJECTS MARKED FOR PROSECUTION:

M.O-1	:	Steel knife
M.O-2	:	Steel pipe
M.O-3	:	Barmuda nikker
M.O-4	:	Underwear
M.O-5	:	Blood stained cotton piece

(NIRMALA .K.)

IV Addl. Dist. & Sessions Judge,
Doddaballapura