

KACB320001172025



**IN THE COURT OF THE II ADDITIONAL DISTRICT &  
SESSIONS JUDGE CHIKKABALLAPURA, SITTING AT  
CHINTAMANI**

Present:

**Sri Kantharaju S.V.** B.A., LL.B.  
II Additional District & Sessions Judge  
Chikkaballapura, Sitting at Chintamani.

Dated this the 30<sup>th</sup> day of April, 2026

**SESSIONS CASE No.11/2025**

Complainant : The State of Karnataka by  
Batlahalli Police Station,  
Chikkaballapura District.

(By Learned Public Prosecutor)

**Vs**

Accused: Vishwanath.N  
Son of Natarajan.K  
Aged about 40 years,  
Residing at Peddapalli Village  
Oorugampete Post,  
KGF Taluk,  
Kolar District.

(Rep. By Sri V.Manjunath, Advocate)

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|    |                                                        |                                                |
|----|--------------------------------------------------------|------------------------------------------------|
| 1. | Date of commission of offence                          | 31.05.2024                                     |
| 2. | Date of report of occurrence.                          | 01.06.2024                                     |
| 3. | Whether the accused is on bail or in judicial custody. | On bail                                        |
| 4. | Date of commencement of trial.                         | 13.08.2025                                     |
| 5. | Date of closing of trial.                              | 26.03.2026                                     |
| 6. | Name of the complainant.                               | Sri.M.Suresh                                   |
| 7. | Offences charged.                                      | Sections 324, 307 504 of the Indian Penal Code |
| 8. | Opinion of the judge.                                  | As per the final order.                        |

**: JUDGMENT :**

The Sub Inspector of Police has filed a charge sheet in Cr.No.61/2024 of Batlahalli Police Station against the accused for the offences punishable under Sections 324, 307, 504 of The Indian Penal Code and consequently, he is facing trial before this court.

2. Brief facts of the prosecution case are that, on 31/05/2024 at 9.45 pm, the accused set fire to the plastic glasses and garbage used in the juice shop on the north side of the Thar Road in front of the shops of

  
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Dadapeer Babu, Murugamalla hobli, at the bus stand of Nimmakayalahalli village. At the same time, CW1, who was walking on the road, asked the accused, "What will he do if the fire catches on the bus?" the accused abused the complainant in filthy language and assaulted him on aluminum-handled sugarcane machet from the juice shop with the intention of murdering him, when he escaped from the said assault, he caused injury on his left ear.

3. On the basis of MLC intimation as per Ex.P.5 received from SNR Hospital, Kolar, PW13 C Muniraju, the then Head Constable 176 of Chintamani Town police station has visited the said hospital and recorded the statement of PW1 on 01.06.2024 at about 6.30 p.m. and produced before PW.5 Punith Nanjaray, the then Police Sub Inspector of Chintamani Town Police Station registered the FIR as per ExP.7 in Cr.No.61/2024 against the accused for the offences punishable under Sections 324, 504 and 307 of the Indian Penal Code.

4. Since the offence under Section 307 of the Indian Penal Code is triable exclusively by the Court of Sessions, case has been committed to this Court. Charge sheet paper was furnished to the accused by the committal Court itself in compliance of Section 207 and 208 of Cr.P.C.

  
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5. The accused is on bail and he is represented by a learned counsel for his defense.

6. My predecessor in the office has framed the charges against accused for the offences punishable under Sections 324, 504 and 307 of the Indian Penal Code, read over and explained the same in the language known to him. He pleaded not guilty and claims to be tried. Thereupon dates were fixed for examination of witnesses and summons were issued.

7. To prove its case, the prosecution has cited in all 14 witnesses and during the trial has examined CWs.3 to CW.6, CW26, CW2, CW8 to CW12, CW14, CW17 and CW7 as PW's.1 to 14 respectively and documents got marked at Ex.P1 to Ex.P24 and got marked material objects at M.O.1 and M.O.2. The statement under Section 313 of Cr.P.C. has been recorded and explained the same to the accused and he has denied the incriminating circumstances appearing against him.

8. I have heard the learned Public Prosecutor for the State and the learned defense counsel and he has also filed a written argument. I have perused the records.

9. After hearing the arguments, the points that arise for consideration in the disposal of this case are as follows:-

  
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- 1) Whether the prosecution has proved beyond all reasonable doubt that on 31/05/2024 at 9.45 pm, the accused set fire to the plastic glasses and garbage used in the juice shop on the north side of the Thar Road in front of the shops of Dadapeer Babu, Murugamalla hobli, at the bus stand of Nimmakayalahalli village. At the same time, CW1, who was walking on the road, asked the accused, "What will he do if the fire catches on the bus?" the accused abused the complainant in filthy language, thereby the accused has committed the offence punishable under Section 504 of the Indian Penal Code?
- 2) Whether the prosecution has proved beyond all reasonable doubt that on the above said date, time and place, the accused has assaulted the CW,1 him on aluminum-handled sugarcane machet from the juice shop with the intention of murdering him, when he escaped from the said assault, he caused simple injury on his left ear, thereby he has committed the offence punishable under Section 307 of the Indian Penal Code?
- 3) Whether the prosecution has proved beyond all reasonable doubt that on the above said date, time and place, the accused has assaulted the CW,1 him on aluminum-handled sugarcane machet from the juice shop on his neck, when he escaped from the said assault, and caused simple injury on his left ear and beside the ear, thereby

  
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he has committed the offence punishable under Section 324 of the Indian Penal Code?

4) What Order?

10. My answers to the above 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: As per final order  
for the following:

**REASONS**

11. **Point No.1 to 3:** As these points are interconnected with each other, they are taken up together for common discussion.

12. It is seen that on the strength of statement of PW1 at Ex.P.6 recorded at SNR Hospital on 01.06.2022 at about 9 a.m. by PW.13 C.Muniraju the then HC 176 of Chntamani Town Police, thereafter PW5 Punith Nanjaray the then Police Sub Inspector registered the FIR as per Ex.P.7. On the same day he has visited the spot and conducted spot mahazar as per Exp8 in the presence of PW6 Girish and PW7 Rohith Reddy as shown by accused and seized the M.O.1 machet in seizure Mahazar at Ex.P.9 and also

  
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he drawn the rough spot sketch as per Ex.P.10. On 12.06.2025 he has seized the bloodstained baniyan worn by the CW.1 as per M.O.2 has produced by him in the Police Station in the presence of PW.10 Mallaiah and PW.11 Subba Reddy and also he has identified the wound certificate, FSL report, CD photos and certificate under Section 65(B) of the Indian Evidence Act as per Ex.P.12 to P.19. Further, he has produced the M.O.1 before the Medical Officer and got opinion as per Ex.P.20 and he has obtained the record of the alleged place of incident as per Ex.P.21 and after conclusion of the investigation the manner in which he has laid the charge sheet against the accused as the allegations described in para 2 of this judgment.

13. The burden is always lies upon the prosecution to prove the guilt of the accused beyond all reasonable doubt. In order to bring home the guilt of the accused, the prosecution has examined **PW.1 Muniraju, PW2 Manjunath, PW3 Ramanna and PW4 Narasimhamurthy** seems to have they are the eyewitnesses to the alleged incident, they are all turned hostiel to the case of prosecution and they deposed that, though they have knows the CW.1 and accused and the accused having a juice shop in their village, but they have stated they have not seen the alleged assault of accused to

  
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the CW.1 and they have not seen Machet and baniyan earlier. They have not given statement to the Police.

13(a). These witnesses were treated as hostile witnesses by the learned Public prosecutor and subjected for cross examination. nothing worth have been elicited from their mouth in order to prove the case of the prosecution. Even they have denied the statements given as per Ex.P.1 to Ex.P.4.

14. **PW6 Girish** is an eyewitness to the alleged incident and brother in law of the complainant. In his evidence he has deposed that he know the accused and complainant 5-6 months ago, night at about 9.00 p.m. when he coming from house towards Bus stand, CW.1 also came from that side. At that time the accused setting fire to the garbage in front of the bus. Then CW-1 told the accused not to set fire near the bus. When he told him that the bus might catch fire, he replied in angry that he would set it on fire. Then the accused assaulted CW-1 on the ear with the machete, went inside the juice shop and closed the shutter. Then CW-7 took him to the hospital. He identified MO1 machet and MO2 bloodstained baniyan. He has given a statement and identified the accused.

14(a). During the course of cross examination by the learned defense counsel, it is elicited that at the time of alleged incident there were 30 people present. He can't tell their names. He didn't notice him because it was dark.

  
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CW-1 is his father-in-law and he has not put any identification mark as the alleged assault was taken place on M.O.1.

15. **PW7 Rohith Reddy** is the circumstantial witness in his evidence he has deposed that, he know the accused and he had a juice shop in Nimmakayalahalli village and the accused used to work there. He did not know CW2. On 31.05.2024 at 10.00 pm, when he was at home, CW2 called him and said that he had a quarreled with the accused and CW1 and the accused had attacked CW1 on the neck with a machete and injured him. When he called the accused, it was switched off. When he reached the shop, the police had come. They had taken the accused into custody. CW1 was taken to the hospital in an ambulance. He came to know that the quarrel had started when CW1 questioned the accused about firing garbage near the bus. He has given a statement to the police. Admittedly, as seen from his evidence, he is an hear say witness to the alleged incident. Moreover, he has stated that the CW.2 was not known to him. That being the situation, who has given his mobile number and called to him.

16. **PW8 Shiva Reddy** and **PW9 Shiva Shankara Reddy** are the mahazar and seizure mahazar witnesses they deposed in their evidence that, they know the accused. CW8 had a juice shop in Nimmakayala village,

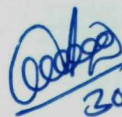
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where the accused worked. They did not know CW1 and CW2 and they have identified their signature on Exp8 and Ex.P.9. Same were obtained by the Police, when they came to their village one year back in assault matter. At that time, they have seized machet at MO1, at that time CW9 and CW10 were also present and signed it.

16(a). During the course of cross examination by the learned defense counsel it is elicited that they did not know what had written by the Police and they did not remember any specific identification mark on MO1. They signed on the say of the police.

17. **PW10 Mallaiah** and **PW11 Subbareddy** they are the seizure mahazar witnesses at Ex.P.11, they have turned hostile to the case of the prosecution except saying that they were signed on Ex.P.11 at Batlahalli Police Station, but they have stated they have not seen M.O.2 Banian earlier and they did not know for what reason Police have obtained their signatures.

17(a). These witnesses were treated as hostile witness by the learned Public prosecutor and subjected for cross examination. nothing worth have been elicited from their mouth in order to support the case of prosecution. Thereby their evidence are not helpful to the prosecution.

  
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18. **PW12 is the Dr.Sukumar.A** the then Medical Officer of Chintamani General Hospital, in his evidence he has deposed that on 31.05.2024 at 11-55 pm, CW.1 Suresh was brought to the hospital by his brother Shashi with the history of the assault at Nimbakayalapalli. On his examination he found that a laceration wound on the left side of his head, measuring 4 X 1 X 2 cm it was up to the tip of the left ear. Another wound was a laceration on his left knee. They gave first aid treatment and advised him to take treatment at the Higher Center. Said injuries were simple in nature. On that effect he has issued wound certificate as per Ex.P.22 on 18.06.2024 The 1st injury entered is likely to have been caused by an assault with a sharp weapon as mentioned in Ex.P.22. Similarly, if the person fall on the ground while being attacked by MO1, the 2nd injury would have caused as mentioned in Exp22. Later on 18.06.2024, the investigating officer produced MO1 before him and submitted a request letter seeking an opinion as to whether the injuries entered in Exp22 are likely to have been caused. Accordingly, when he examined MO1, he has given opinion at Ex.P.20 that the injuries mentioned in Exp22 were likely to have been caused.

18(a). During the course of cross examination bya the learned defense counsel it is elicited that when M.O.1 has been produced before him by the Investigating Officer he has not found any bloodstains. Further, he has deposed that the bloodstains clothes were not produced

  
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before him and further admitted that if a person assaulted with M.O.1 the injured clothes might have bloodstains.

19. **PW14 Shashi** is the circumstantial witness in his evidence he has deposed that he did not know the accused before the court. CW1 Suresh is his grandfather's son. He is now dead. He hanged himself due to family issues. He did not know anything about this case. He has not given a statement to the police. But he took Suresh to the hospital from Nimmakayalahalli in an ambulance to SNR Hospital. When he saw the ambulance, it arrived. He took CW1 in the ambulance. When he saw him, he was lying in the ambulance, very tired. He did not see where he was injured.

19(a). This witness was treated as hostile witness and subjected for cross examination by the learned Public prosecutor, nothing worth has been elicited from his mouth in order to prove the case of the prosecution.

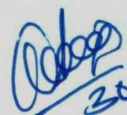
19(b) During the course of cross examination by the learned defense counsel it is elicited that he did not know the ambulance number and driver name. As rightly argued by the learned counsel for the accused, if definitely he would take the CW.1 injured to the hospital, the CW.1 might have revealed the alleged incident to him. Therefore, his evidence is not reliable one.

  
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20. Overall evaluation of the entire evidence on record, the eyewitnesses PW.1 to PW.4, the evidence of mahazar witnesses PW8 and PW9 not helpful to the case of the prosecution. Similarly, the evidence of seizure mahazar witnesses PW10 and PW11 have also not supported the case. Moreover, the evidence of PW.6 and PW.7 not corroborated the evidence of PW.1 to PW.4. Apart that, in the case on hand, the complainant CW.1 died during the pendency of the case. Hence, for non-examination of injured victim fatal to the case of the prosecution. On the other hand, the evidence given by PW.5, PW.13 and PW.12 would not improve the case of the prosecution.

21. Taking into consideration the entire evidence placed on record, I hold that the prosecution has failed to prove the incident, the guilt of the accused and the involvement of the accused in the alleged incident beyond all reasonable doubt. Under these circumstances, I hold that the accused is entitled to the benefit of doubt. Therefore, I am constrained to answer Point No.1 to 3 in the Negative.

22. **POINT NO.4** In view of my findings on Point No.1 to 3 in the Negative, the accused is entitled to be acquitted. Hence, the following: -

  
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**ORDER**

Acting under Section 235(1) of Cr.P.C., the Accused is acquitted of the offences punishable under Sections 324, 307 and 504 of The Indian Penal Code.

The bail bond of the accused shall stand canceled forthwith.

M.O.1 is machet is worth is ordered to be confiscated to the State and M.O.2 Baniyan being worthless is ordered to be destroyed after completion of the appeal period is over in accordance with the law.

(Dictated to the Stenographer directly on computer, typed by him corrected and then pronounced by me in Open Court on this the 30<sup>th</sup> day of April , 2026)

  
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**(Kantharaju S.V.)**

II Additional District & Sessions Judge,  
Chikkaballapura, Sitting at Chinamani.

**:ANNEXURE:****WITNESSES EXAMINED FOR THE PROSECUTION:**

|       |   |                    |
|-------|---|--------------------|
| PW.1  | : | Muniraju           |
| PW.2  | : | Manjunath          |
| PW.3  | : | Ramanna            |
| PW.4  | : | Narasimhamurthy    |
| PW.5  | : | Punith Nanjare     |
| PW.6  | : | Girish             |
| PW.7  | : | Rohith Reddy       |
| PW.8  | : | Shiva Reddy        |
| PW.9  | : | Shivashankar Reddy |
| PW.10 | : | Mallaiah           |
| PW.11 | : | Subba Reddy        |

  
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PW.12 : Dr.Sukumar.A  
 PW.13 : C.Muniraju  
 PW14 : Shashi

**WITNESSES EXAMINED FOR THE DEFENCE:**

Nil.

**DOCUMENTS MARKED FOR THE PROSECUTION:**

Ex.P.1 : Statement of PW1  
 Ex.P.2 : Statement of PW2  
 Ex.P.3 : Statement of PW3  
 Ex.P.4 : Statement of PW4  
 Ex.P.5 : Hospital Memo  
 Ex.P.6 : Statement of complainant  
 Ex.P.6(a) : Signature of PW5  
 Ex.P.7 : FIR  
 Ex.P.7(a) : Signature of PW.5  
 Ex.P.8 : Spot Mahazar  
 Ex.P.8(a) to (c) : Signature of PW.5, PW.8, PW.9  
 Ex.P.9 : Seizure Mahazar  
 Ex.P.9(a) to (c) : Signature of PW.5, PW.8, PW.9  
 Ex.P.10 : Rough Sketch  
 Ex.P.10(a) : Signature of PW5  
 Ex.P.11 : Seizure Mahazar  
 Ex.P.11(a) to (c): Signature of PW.5, PW.10, PW.11  
 Ex.P.12 to 16 : Photos  
 Ex.P.17 : 67B Certificate  
 Ex.P.18 : CD  
 Ex.P.19 : FSL report  
 Ex.P.20 : Opinion of Doctor  
 Ex.P.20(a) & (b): Marked portion and  
 signature of PW12  
 Ex.P.21 : Spot document  
 Ex.P.22 : Wound Certificate  
 Ex.P.22(a) : Signature of PW12  
 Ex.P.23 : Statement of PW14  
 Ex.P.24 : Blood group report

**DOCUMENTS MARKED FOR THE DEFENCE: -**

- Nil -

  
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**MATERIAL OBJECTS MARKED FOR PROSECUTION:-**

M.O.1 : Machet

M.O.2 : Banian

  
(Kantharaju S.V.)

20/4/2026.  
II Additional District & Sessions Judge,  
Chikkaballapura, Sitting at Chinamani.