



Presented on : 10-06-2025
Registered on : 10-06-2025
Decided on : 28-04-2026
Duration : 10months,
18days

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

Present:

Sri. Ron Vasudev, B.Com. LL.B.(Spl)
Prl. District & Sessions Judge,
Chitradurga.

Dated this the 28th day of April, 2026.

S.C.No.62/2025

Complainant:	State by Molakalmuru Police Station.
	(By the Public Prosecutor, Chitradurga)

/versus/

Accused :	Lakshmana Babu S/o Late. Kivudu Peddanna, Aged about 45 years, R/o NMS Badavane, Molakalmuru Town, Chitradurga District.
	(Rep. By Sri. D.M. Basavaraj, Adv.,)

1.	Date of commission of offence	14.10.2023
2.	Date of report of occurrence	14.10.2023
3.	<u>Arrest of accused</u>	Released on anticipatory bail at crime stage in Crl.Mis.No.1438/2023 dated: 10.11.2023

6.	Date of commencement of Evidence	18.03.2026
7.	Date of closing of evidence	25.04.2026
8.	Name of the Complainant	Lakshmi W/o Lakshmana Babu
9.	Offences charged for	U/Ss.304-II of BNS
10.	Opinion of the Judge	Accused found not guilty.

J U D G M E N T

PSI of Molakalmuru Police Station has filed this charge sheet for the offence punishable U/Sec.304-II of IPC.

2. The substance of accusation is that this accused is the father of the deceased Chandrashekhara and on 14.10.2023 at about 8.00 pm in his house situating at NMS Extension of Molakalmuru Town, he saw his sons Pavan Kumar (PW.4) and said Chandrashekhara quarelling for TV remote in order to watch channel of their choice. Though he raised his voice and advised them to maintain calmness, they did not listen to him and when Pavan Kumar (PW.4) tried to snatch the remote from the hands of his elder brother-Chandrashekhara, latter tried to run away with it, wherefore getting angry, this accused, who is suffering from paralysis and cannot move on his own, picked up a scissor beside him and threw it at Chandrashekhara, as a result the said scissor inflicted injury to his neck resulting in to rupture of neck muscle and oozing of blood from it. It is stated that screaming for help Chandrashekhara fell down on the floor and hearing his scream, Lakshmi (PW.1) wife of

the accused, came out from the kitchen and herself and Pavan Kumar shifted him to hospital at Molakalmuru with the help of Thippeswamy (PW.7) and Rajashekhara (PW-8). Then as per advise of doctors there, they were taking Chandrashekhara to VIMS Bellary for higher treatment, but unfortunately on the way to VIMS, near Rampura village at about 9.30 pm he breathed his last. Therefore his body was brought back to Molakalmuru Government Hospital and complaint was filed by Lakshmi (PW-1) and based on the same, case was registered by the PSI(CW-13) and after investigation, he charge-sheeted the accused for the offence mentioned herein above.

3. On receipt of the charge sheet cognizance of the offence was taken by the Civil Judge & JMFC., Molakalmuru by registering the case at CC No.97/2024 vide its order dated 30.05.2025 and it committed the case to this court. In the crime stage itself, the accused was released on bail.

4. On receipt of the charge sheet presence of this accused was secured, prosecution as well as accused were heard and charge was framed. He denied the same as false and claimed to be tried. In view of the above now the following points would arise for consideration:

- 1. Whether the prosecution proves beyond all reasonable doubt that on 14.10.2026 at about 8.00 pm in his house situating at NMS Extension of Molakalmuru, this accused knowing fully well that scissor is a weapon*

and if anybody is inflicted injury with it, it will cause death of such person, threw it towards his son-Chandrashekhara on the reason that he was quarrelling with his another son Pavan Kumar for TV remote, leading to rupture of neck muscle and death of said Chandrashekhara at 9.30 pm on the way to VIMS Bellary and thereby committed an of culpabale homicide not amounting to murder and punishable U/Sec.304-II of IPC?

2. What order?

5. In order to prove its charge, the prosecution has examined the said Lakshmi as PW.1, panchas to the scene of occurrence P.N. Srinivasalu & Govindappa as PW.2 and 3, Pavan Kumar as PW.4, persons who were present during inquest namely brother of accused by name P. Gopal as PW.5 and another witness as PW.6 and circumstantial witnesses-Thippeswamy and Rajashekhhar as PW.7 & 8 and Ex.P.1 to P.9 and M.O.1 are marked. On closure of its side, arguments of the prosecution and learned defence counsel were heard. On careful reading of oral and documentary evidence, my findings on the above points are as under:

Point No.1 : In the negative

Point No.2 : As per final order

for the following:-

REASONS

6. **Points No.1** :- While narrating about the alleged incident, I have already gave brief background of each

witness and again after framing of point for consideration, I have narrated the background of said witnesses. In that context straight away I would examine the oral and documentary evidence placed by the prosecution.

7. Quite contrast to her written complaint filed at Ex.P.1, the PW.1 stated that on the said day she was in the kitchen and as she is engaged in tailoring, after attending her tailoring work, she had kept a tumbler with water on it, but when she went inside the kitchen, the said tumbler fell down and water had spread over the floor, therefore while entering the house the said Chandrashekhara slipped on the water surface, as a result scissor, which was there in the drawer of the sewing machine fell on his neck, resulting bleeding injury. She stated that at the relevant time her husband (accused) had gone to hospital, whereas Pavan Kumar (PW-4) had gone for playing cricket. Thus she gave altogether a different version about the incident and further stated that when she was in the hospital, police officials came there and took her signature and later they came to her house and also seized that scissor and took her another signature and snapped a photograph, but she does not know the contents of Ex.P.1 and 2 namely the complaint and spot mahazar.

8. Obviously she was cross examined by the prosecution and it went on making suggestions in terms of the allegations levelled in the complaint, but she denied all those suggestions as false. She categorically stated that because Chandrashekhara rushingly came in to their house

and kept his foot on waterree surface, he fell down resulting injury to his neck as stated by her in the chief. Thus cross examination done by the prosecution did not yield any result giving no scope for the defence to cross examine her.

9. Similarly PW.4/Pavan Kumar also stated that on the said day his elder brother slipped on waterree surface, as a result, scissor kept on sewing machine fell on his neck and he suffered injuries and they took him to district hospital, Molakalmuru and after getting first aid treatment there when they were taking him to Bellary, on the way he died. He also stated that on the said day he had gone out to play cricket with his friends and at that time her mother (PW-1) and his father (accused) were alone in the house and he denied that he has given any statement to the IO. So looking to his said testimony which is totally contrary to his previous statement said to have been recorded by the IO, he was also cross examined by the prosecution, but it was not able to elicit anything in its favour. He denied that he gave statement to the IO as per Ex.P.5. In the further cross exam by the defence, once again he re-iterated that he is not examined by the IO.

10. Now turning to the testimonies of circumstantial witnesses i.e., PW.7 & 8 who are the neighbourers of the accused, it is unnecessary to say that they too followed the suit of PW.1 and 4. They stated that they do not know how Chandrashekhara died nor they gave statements to the IO regarding the incident that allegedly occurred on the said day. So they were also cross examined by the prosecution

by declaring them as hostile and in tune with their previous statements suggestions were made to them, but they denied them as false and they were marked as Ex.P.8 & 9.

11. Intentionally I have taken the testimonies of PW.1,4, 7 & 8 at the first instance keeping aside the testimonies of PW.2,5 & 6. The reason is obvious as the said witnesses are the material witnesses to prove the charge. Since all of them enmass turned hostile and in their cross exam inspite of its best efforts prosecution was not able to elicit anything in its favour, so as to involve the accused in the offence alleged, the discussion on the testimonies of other witnesses becomes redundant.

12. Now turning to the testimonies of PW.2 & 3, it is seen that though the said witnesses admitted their signatures on Ex.P.2, particularly PW.3 having admitted his signature on the sketch at Ex.P.4 and snapping of photographs as per Ex.P.3, but altogether gave different versions by stating that nonetheless M.O.1 was shown to them on the said day, they expressed their ignorance about purpose the said mahazar was prepared. At one stage though PW.2 admitted that during the mahazar PW.1 stated that said scissor was threw by her husband towards Chandrashekhara, in the further cross exam by the defence again turning turtle, he stated that when he signed the papers they were blank and except taking of photograph there, he is not acquainted with anything and for the first

time he is seeing M.O.1 in the court. Even PW.3 also stated that when he signed Ex.P.2 it was blank.

13. Thus the PW.1 who is a key witness to the Ex.P.2 having resiled from her version not only with respect to the contents of the complaint even with respect to contents of Ex.P.2 she turned hostile, so one can imagine the testimonies of other independent witnesses like PW.2 & 3.

14. The PW.5 & 6 are the persons, who were present during inquest and of them PW.5 stated that he came to know that Chandrashekhara died when he slipped on wateree surface, whereas PW.6 stated that he is not at all acquainted with the cause of his death leading to cross examination of both of them by the prosecution with no end result, except denying that they gave statements to the IO as per E.P.6 & 7. Naturally the defence did not take any interest to cross examine them.

15. In view of total hostile testimonies of PW.1 to 8, the prayer of the prosecution to examine other charge-sheet witnesses namely CW.12 & CW.13/IO and panchas to the inquest CW.4 to 6 was rejected and its side was closed. The discussion made by me in the foregoing paragraphs would leave no doubt that there was no incriminating evidence so as to examine the accused U/Sec.313 of Cr.P.C, therefore dispensing with recording of his statement under the said provision, arguments of both side were heard.

16. The elaborate discussion made by me herein above would inevitably lead to hold that the prosecution has failed to prove the charge as alleged by it, hence I am constrained to extend the benefit of doubt to the accused, accordingly by extending the same, I answer this point in the negative.

17. **Point No.2:-** In the result, I proceed to pass the following:-

O R D E R

Accused is acquitted of the offence punishable U/Sec.304-II of Cr.P.C.

His bail bond and surety bond shall remain in force in terms of Sec.437-A of Cr.P.C.

M.O.1-scissor is confiscated to State and it is ordered to be disposed off after the appeal period is over.

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

(RON VASUDEV)

Prl. District & Sessions Judge,
Chitradurga.

ANNEXURE

List of witnesses examined for prosecution:-

PW.1	Lakshmi
PW.2	Srinivasalu
PW.3	Govindappa

PW.4 Pavan Kumar
PW.5 Gopal
PW.6 Thippeswamy S/o Kengappa
PW.7 Thippeswamy S/o Nagaraja
PW.8 Rajashekhara

List of documents exhibited for prosecution:-

Ex.P.1 Complaint
Ex.P.1(a) Signature of PW.1
Ex.P.2 Spot cum seizure mahazar
Ex.P.2(a) Signature of PW.1
Ex.P.2(b) Signature of PW.2
Ex.P.2(c) Signature of PW.3
Ex.P.3 Photograph
Ex.P.4 Sketch
Ex.P.4(a) Signature of PW.3
Ex.P.5 Statement of PW.4
Ex.P.6 Statement of PW.5
Ex.P.7 Statement of PW.6
Ex.P.8 Statement of PW.7
Ex.P.9 Statement of PW.8

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 : Scissor

(RON VASUDEV)

Prl. District & Sessions Judge,
Chitradurga.

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