



Presented on : 02-08-2024
Registered on : 02-08-2024
Decided on : 18-03-2026
Duration : 1 year, 7
months, 16 days

IN THE COURT OF THE PRL. DISTRICT & SESSIONS
JUDGE, AT: CHITRADURGA

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

Dated this the 18th day of March, 2026

CrI.R.P.79/2024

Petitioner:	V.H.Ananda s/o Late Hanumanthappa, aged about 46 years, r/o Dasarahatty, Molakalmuru town, Chitradurga district.
	(By Sri. Abdul Jaleel Zulfiquar, Advocate)

/versus/

Respondent:	State by Chikkajajuru Police.
	(By the Public Prosecutor, Chitradurga)

ORDER

This revision is filed U/Sec.397 of Cr.P.C. questioning legality and correctness of the order passed by the Civil Judge & JMFC, Molakalmuru on the discharge application filed U/Sec.239 of Cr.P.C. by the accused No.2. Though the said order dated 1.3.2024 is on the common application of accused No.1 and 2, as mentioned above accused No.2 alone has knocked the doors of this court through this revision.

2. After registration of the petition, notices were issued to the Public Prosecutor and on his appearance TCR was secured and both side were heard. In this background, now the following points would arise for my consideration:

1. Whether the accused No.2/revision petitioner has shown that there are no sufficient grounds to frame the charge against him?

2. What order?

3. On going through the case file and submission of both side, 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

4. Point No.1:- One Smt. Sharadamma i.e. wife of accused No.1-Anjinappa r/o Dasarahatty, Molakalmuru town filed complaint against her said husband (A-1) and her brother-in-law (A-2/revision petitioner) for the offences punishable U/Ss.498A, 504,323, 324, 354, 355, 506 r/w/s 34 of IPC and the same was registered by the Molakalmuru police station at their Cr.No.86/2020 and after investigation they filed charge sheet against both accused for the aforesaid offences and having taken cognizance of the said offences, the trial court issued process to them and they appeared and both filed common discharge application alleging that there are no grounds to frame charge against them and unnecessarily the complainant as well as

Molakalmuru police have booked a false case against them etc. After hearing prosecution as well as the accused, through its impugned order dated 1.3.2024 the said court dismissed that application and adjourned the matter to frame the charge against them.

5. Now feeling aggrieved by the said order, the accused No.2 alone has filed this revision. In the discharge application as well as in the revision petition it is contended by him that materials collected and placed before the trial court are not sufficient to frame the charge against him and the complaint filed by the said Sharadamma is only a counterblast to overcome the complaint filed by accused No.1 and there is also a civil dispute between the said couple with respect to sharing of properties and since he took care of his brother (A1) when he was in the hospital, he has been roped in this case. Thus he prays to discharge him.

6. In tune with his application for discharge, the counsel for the revision petitioner Sri.AJZ canvassed that just to see that accused No.1 is coerced to come for settlement, his younger brother (A2) has been targeted and when no overt act is alleged on the part of the accused No.2, he has been made as co-accused by the jurisdictional police in collusion with the first informant, therefore he prayed to discharge the accused No.2.

7. On the other hand inviting my attention to the final report and statements of the witnesses recorded by the

IO U/Sec.162 of Cr.P.C. and wound certificates, the learned P.P. canvassed that there are sufficient grounds to proceed against this accused also and order passed by the trial court is just and proper, so he prayed to dismiss this petition.

8. In this background on reading the TCR I find that there is no substance in the discharge application filed by this accused No.2 and there is no legal and factual error on the part of the trial court in passing the impugned order necessitating interference in the hands of this court. It may be noted that, in her complaint dated 10.7.2020, the said Sharadamma categorically made allegations against A1 & 2 by stating that both were torturing her suspecting her fidelity and particularly this accused No.2 on 30.6.2020 at about 4.00 pm joining with accused No.1, bet her son-in-law/Mohan (CW.5) and injured him. She also stated that both accused threatened her, her daughters Kaveri (CW.4) and Ramya (CW.6) and have bet them. She has also taken the names of eyewitnesses CW.7 and 8 regarding witnessing of the incident involving both accused and in turn the statements of CW.4 to 8 reveal the participation of the accused No.2 also.

9. Added to that, in her statement before the Sr. Civil Judge & JMFC, Challakere U/S.164(5) of Cr.P.C. the said Sharadamma alleged that on the date of incident the accused No.2 bet her with slipper and he also bet her daughters and son-in-law with club and he threatened

them with dire consequences. The wound certificates issued to her and to CW.4 and CW.5 produced at page No.44 to 46 of the TCR would show that, even before the Medical Officer, the said victims stated that they were bet not only by the accused No.1 even by the accused No.2 also. When that is the case only on the basis of assumptions and presumptions this court cannot discharge the accused No.2.

10. As rightly observed by the trial court by referring to the decision of Hon'ble Supreme Court reported at **2014(11) SCC 709 (State of Tamilnadu vs. N.Suresh Rajan)** upon considering the police report and the documents sent with it U/S.173 of Cr.P.C. and on examining, if any of the accused, as the Magistrate thinks necessary and after giving the prosecution and the accused an opportunity of being heard, the Magistrate considers the charge against the accused to be groundless, he shall discharge the accused, and record his reasons for so doing.

11. In the case in hand on going through the final report, I find lot of material against the accused No.2 to frame the charge, including the accused No.1. At the stage of considering the application U/S.239 of Cr.P.C. statements recorded by the IO U/S.162 of Cr.P.C. and statement recorded by the court U/S.164(5) of Cr.P.C., will have their probative value. It is suffice to say that, except final report and documents annexed with it, no other

document relied by the accused or the submission made by him can be accepted as a gospel truth.

12. Therefore on keen reading of final report I have no hesitation to hold that there are materials to frame the charge against the accused No.2 also, hence I answer this point in the negative.

13. Point No.2:- In view of the above finding, I proceed to pass following:

ORDER

Revision petition filed U/S.397 of Cr.P.C. is dismissed.

The order dated 1.3.2024 passed by the trial court in C.C.No.441/2022 on the discharge application of accused No.1 and 2 stands affirmed.

Office to send back the TCR along with copy of this order.

(Dictated to the Stenographer Grade-II, transcribed and computerized by him, corrected and signed by me and then pronounced in the open Court on this the 18th day of March, 2026).

(Ron Vasudev)

Prl. District & Sessions Judge,
Chitradurga.

*BRS