

KACD220024802021



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Decided on : 14.05.2026
Duration : 04 years, 08 months, 22 days

**IN THE COURT OF ADDITIONAL CIVIL JUDGE AND
J.M.F.C., AT: CHALLAKERE**

Present: **Sri. PUNITH. B.R.**

B.A., L.L.B.,

Addl. Civil Judge and JMFC., Challakere.

Dated on the 14th day of May 2026

Criminal Case No.1770/2021

COMPLAINANT :

The State by the PSI,
Nayakanahatti, Police Station.

(By Assistant Public Prosecutor)

V/S

ACCUSED :

Lokesha S/o Gudlumallaiah,
aged about 33 years,
R/o Mallurahalli village, Challakere Taluk,
Chitradurga District.

(By Sri T.T., Advocate)

1. Date of Offence : 15.04.2021

2. Arrest of the accused : Enlarged on bail
3. Name of the Informant : Somashekara
4. Date of opening of evidence : 21.04.2022
5. Date of closure of evidence : 07.02.2026
6. Offences complained of : Sec. 341, 504, 323 & 324 of IPC
7. Opinion of the Judge : Accused found not guilty

J U D G M E N T

The Police Inspector, Nayakanahatti has filed final report against the accused for the offence punishable U/s 341, 504, 323 & 324 of IPC.

2. The brief facts of the prosecution case are as follows:

On 15.04.2021 at about 7:00 a.m., at Mallurahalli Village, within the jurisdiction of Nayakanahatti Police Station, Challakere Taluk, when C.W.1 was proceeding on the road in front of the house of one Giddaya, the accused approached from the opposite direction on a motorcycle and abused C.W.1 in filthy language. Thereafter, after a short interval, when C.W.1 was again walking on the road in front of the house of C.W.3, the accused once again came there, wrongfully

restrained C.W.1, and intentionally abused him in vulgar and obscene language, referring to him as “Boli Magne” and “Sule Magne.” It is further alleged that the accused assaulted C.W.1 with his hands and legs and also struck him on the right side of his chest with a stone, thereby causing simple injuries. Thus, the accused is alleged to have committed the offences charged against him.

3. The accused appeared through his counsel and was enlarged on bail. Prosecution papers were furnished to the accused in compliance of 207 of Cr.P.C. The accused was heard before charge, charges were framed, read over to the accused in the language known to him. The accused having understood the same, denied them to be false and claimed to be tried. As such, the matter was set down for trial.

4. In order to bring home the guilt of the accused the prosecution had cited Cws.1 to 10 as its charge sheet witnesses, out of them 9 witnesses were examined as Pws.1 to 9 and got marked Ex.P.1 to P.6 and got marked M.Os.1.

5. The accused was questioned Under Sec.313 of Cr.P.C. for the incriminating material available in the case of

the prosecution. He denied the same and did not choose to lead evidence on his behalf. As such, the matter was posted for arguments.

6. Heard the Learned APP for the prosecution and the learned counsel for the accused. Perused the materials available on record.

7. The following points arise for the consideration of this court:

- 1) Whether the prosecution proves beyond all reasonable doubt that on 15.04.2021, at around 7.00 am, in Mallurahalli village, within the limits of Nayakanahatti police station in Chalakere taluk, when C.W.1 was walking on the road in front of Giddaya's house, at that time the accused came and wrongfully restrained him and hereby committed an offence punishable under section 341 of IPC?
- 2) Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, accused abused him in filthy language

as Boli Magne and Sule magne , with intent to provoke a breach of peace or knowing that such provocation was likely to cause C.W.1 to break the public peace or commit any other offence and thereby, committed an offence punishable Under Section 504 of Indian Penal Code?

- 3) Whether the prosecution further proves beyond all reasonable doubt that on the above said date, time, accused picked up quarrel with C.W.1 and the accused assaulted with hands and legs on his body and have voluntarily caused hurt thereby committed an offence punishable under section 323 of IPC?
- 4) Whether the prosecution further proves beyond all reasonable doubt that on the above said date, time, accused picked up quarrel with C.W.1 and the accused assaulted him with club and has voluntarily caused hurt thereby committed an offence punishable under section 324 of IPC?
- 5) What order?

8. Perused the materials on record and upon hearing both side at length, the above points for consideration are answered as follows:

Point No.1 to 4: In the negative

Point No.5 : As per final order for the following:-

REASONS

9. **POINTS NO.1 TO 4:** These points are taken together for consideration at one stretch in order to avoid repetition of facts. The prosecution in order to prove its case in all got examined 8 witnesses and got 4 documents exhibited.

10. CW1/PW1 is the complainant and injured witness. He deposed that on 15.04.2021, at about 7.00 a.m., while he was standing near the house of CW3, the accused abused him. Thereafter, the accused went away and later returned along with his elder brother Raja on a motorcycle. After getting down from the motorcycle, the accused caught hold of the collar of CW1/PW1 and assaulted him on his cheeks. He further deposed that the accused threw a stone at him, which hit his right chest. According to him, the quarrel was pacified by his brother. Thereafter, CW1/PW1 was taken to Nayakanahatti

Hospital in an ambulance by CW2, CW7, Lokesh, and Ramesh. He identified his signature on Ex.P1–complaint and Ex.P2–mahazar. He further deposed that he had shown the place of incident to the police for conducting the mahazar. According to him, the mahazar was conducted between 5.30 p.m. and 6.00 p.m., during which the police seized a stone under the mahazar. He stated that Cws.3 and 7 signed the mahazar and he identified MO.1–stone as the same stone allegedly used by the accused to assault him. He denied having given any further statement to the police.

During cross-examination by the learned APP, after treating him as partly hostile, he admitted that on 15.04.2021 the accused restrained him from proceeding further and abused him in filthy language, calling him “Sule Magne” and “Boli Magne.” He further admitted that CW2 to CW4 pacified the quarrel. He also admitted that, while in Ex.P1 he had stated that the incident occurred near the house of Giddappa, in his further statement he stated that the incident took place near the house of CW3.

During cross-examination by the learned counsel for the accused, he admitted that there are several houses near the

house of CW3 and that at about 7:00 a.m. people would usually be present in and around their houses, cleaning the premises and disposing of cattle waste. He further deposed that he could not state the registration number of the motorcycle on which the accused came on the date of the incident. He admitted that Cws.2 to 7 are his relatives. He initially stated that he could not say the boundaries of the place of incident, but later stated that the place is surrounded by land.

11. CW3/PW2 is the alleged eye-witness and mahazar witness to Ex.P2–mahazar. He deposed that on 15.04.2021, while CW1 was standing near his house, the accused suddenly came there and started quarreling with CW1. Thereafter, the accused went to his house and returned along with his brother. He further deposed that the accused assaulted CW1 with a stone on the right side of his chest. According to him, Cws.1 and 2 were thereafter sent to the hospital in an ambulance. He stated that the quarrel took place between 7.45 a.m. and 8.00 a.m. He further deposed that the police conducted the mahazar in his presence and that the place of incident was shown to the police by himself and CW7. He stated that both of

them signed the mahazar. He identified his signature on Ex.P2–mahazar and also deposed that the police recorded his statement.

During cross-examination by the learned APP, after treating him as partly hostile, he admitted that the police seized a stone during the mahazar. He further admitted that the incident took place at about 7:00 a.m. on 15.04.2021 and that, during the incident, the accused restrained CW1 and abused him in filthy language. He also admitted that the quarrel was pacified by himself, Cws.4 and 5 and that the place of incident was shown by CW7. He further admitted that the stone was handed over to the police by CW7.

During cross-examination by the learned counsel for the accused, he admitted that the police had not issued any written notice to him.

12. CW.2 /PW 3 is the alleged eye witness who is wife of CW.1. She has totally turned hostile to the case of prosecution. She has deposed that she does not know anything about the present case and about the what accused has done to CW.1. She also denies giving any statement to

police. Though she was cross examined by learned APP treating her as hostile nothing pertinent is elicited in favour of prosecution.

13. CW5/PW4 is the alleged eye-witness. She deposed that CW1 is her younger brother and CW2 is the wife of CW1. She further deposed that about four years prior to her evidence, while she was returning to Kapile from Mallurahalli, she saw the accused and CW1 quarreling. At that time, the accused assaulted CW1 with his hands and also with a stone on the chest of CW1. She stated that she does not know anything further regarding the incident. When MO1–stone was shown to her, she deposed that she could not exactly remember whether the accused had assaulted CW1 with the said stone. She further deposed that the police had recorded her statement.

During cross-examination by the learned APP, after treating her as partly hostile, she admitted all the suggestions put to her. She admitted that on 15.04.2021 a quarrel took place between the accused and CW1, during which the accused abused CW1 in filthy language, calling him “Sule Magne” and “Boli Magne.” She further admitted that the quarrel

was pacified by herself, Cws.3 and 4. She also admitted that, after the quarrel, Cws.1 and 2 were taken to the hospital in an ambulance and that the accused assaulted CW1 with MO1–stone.

During cross-examination by the learned counsel for the accused, she admitted that the accused and CW1 were not on good terms with each other. She further admitted that she was giving evidence before the Court for the first time. She also admitted that she had not given any statement before the police.

14. CW.4/PW 5 is the alleged eye witness. He deposes that around 5-6 years back when he visited his wife's village Mallurahalli for fest, he was standing near house of Thippaiah, the accused assaulted Cw1 but he cannot remember whether with hands or stone. Apart from this he does not know anything. Police have not taken his statement.

At cross examination by learned APP treating him as partly hostile all the suggestion were accepted by him. He admits that on 15.04.2021 the quarrel took place between the accused and CW-1, during which Cw 1 was abused by

accused as Sule Magne and Boli Magne, assaulted Cw 1 on cheeks and with stone on his chest, the said quarrel was pacified by himself , Cw 3 and 5 , after quarrel Cw 1 and 2 were taken to hospital in ambulance and that with M.O 1 the accused had assaulted Cw 1.

At cross examination by learned counsel for accused. He deposes that at the time of incident 5 persons were present but cannot say their name and address. He cannot say on which side of cheeks the accused assaulted. He admits that he was seeing M.O 1 for the first time before the Court.

15. CW7/PW6 is the mahazar witness to Ex.P2–mahazar. He identified his signature on Ex.P2 and deposed that he had signed the same in front of the house of Gidda Obaiah in connection with a quarrel. He further deposed that the police had not conducted any mahazar in his presence and had not seized anything in his presence. According to him, no one else was present at that time. He further stated that he does not know the contents of Ex.P2.

During cross-examination by the learned APP, after treating him as partly hostile, he admitted all the suggestions

put to him. He admitted that on 15.04.2021, in front of the house of CW3, namely Rudramuni, the police conducted the mahazar in the presence of himself, CW1, and CW3, and seized MO1–stone. He further admitted that CW1 and CW3, who were present at the spot, signed the mahazar.

During cross-examination by the learned counsel for the accused, he admitted that the police had not issued any notice to him for the mahazar. He further deposed that he could not exactly state the date on which the mahazar was conducted. He also stated that he does not know what is written in Ex.P2 and that the police obtained his signature on a blank white paper

16. CW7/PW7 is the doctor who treated CW1. He deposed that on 15.04.2021, CW1 came to Nayakanahatti Hospital for treatment with a history of assault. On examination, CW1 complained of pain over the right side of his chest. He further deposed that the said injury was simple in nature and that he issued Ex.P5–wound certificate to that effect. He also deposed that the injury mentioned in Ex.P5 was possible if a person was assaulted with MO1–stone.

During cross-examination, he deposed that CW1 had come to the hospital along with his father, Thippeswamy. When it was suggested that assault with an object like MO1–stone would normally result in blood clotting, he replied that clotting of blood would depend upon the intensity of the assault. He further admitted that chest pain may also occur when a person lifts a heavy object or suffers from bloating of the stomach.

17. CW9/PW8 is the Investigating Officer. He deposed that on 15.04.2021, at about 12:00 noon, upon receiving the MLC report from Nayakanahatti Hospital, he went to the hospital and recorded Ex.P1–complaint from CW1. Thereafter, he returned to the police station and registered FIR, Ex.P6, in Crime No.45/2021 against the accused. He further deposed that on the very same day, he conducted Ex.P2–mahazar in the presence of CW3 and CW7 at the place shown by CW1 and seized MO1–stone. He also deposed that he recorded the statements of CW3 to CW6 and thereafter handed over the case file to CW10 for further investigation.

During cross-examination by the learned counsel for the accused, he deposed that he left the police station at about 10:15 a.m. and reached the hospital at about 10:20 a.m. He

further deposed that the MLC report had been received at the police station at about 10:00 a.m. and that he registered the FIR at about 12:30 p.m. He also stated that he had issued notice to Cws.3 and 7.

18. CW10/PW9 is the subsequent Investigating Officer. He deposed that he received the case file from CW9/PW8, continued the investigation, obtained Ex.P5—wound certificate from CW7/PW7, incorporated the same into the case records, completed the investigation, and filed the final report against the accused. Nothing material was elicited in his cross-examination by the learned counsel for the accused in favour of the defence.

ANALYSIS AND EVALUATION OF EVIDENCE

19. In the background of the above depositions of the prosecution witnesses, it is necessary to examine the veracity and credibility of the those witnesses on the touch stone of the cross examination by the Defence. For the sake of convenience the depositions i.e. ocular evidence and the Exhibits i.e. Documentary evidences have been discussed below with the relevant sub-heads.

INFORMANTS TESTIMONY:

20. PW-1, being the complainant as well as the injured witness, his evidence undoubtedly requires careful consideration. However, upon appreciation of his testimony, this Court finds that his evidence is not wholly consistent and suffers from material omissions and contradictions affecting the credibility of the prosecution case. In his chief-examination, PW1 deposed that while he was standing near the house of CW3, the accused abused him, thereafter went away and later returned along with his elder brother on a motorcycle and assaulted him on his cheeks and chest with a stone. However, significantly, PW1 did not initially depose about the accused having restrained him from proceeding further or having abused him in filthy language by uttering the words “Sule Magne” and “Boli Magne.” These material allegations were elicited only during cross-examination by the learned APP after treating PW1 as partly hostile. Such improvements brought on record through suggestions of the prosecution materially diminish the evidentiary value of his testimony insofar as the offences punishable under Sections 341 and 504 of IPC are concerned.

21. Further, PW1 admitted during cross-examination that in Ex.P1-complaint he had stated that the incident took place near the house of Giddappa, whereas in his further statement he stated that the incident occurred near the house of CW3. Thus, there exists inconsistency regarding the very place of occurrence. Though PW1 stated that the accused came on a motorcycle along with his brother, he admittedly could not state the registration number of the said motorcycle. He further admitted that Cws.2 to 7 are his relatives. Though he admitted that several houses are situated near the alleged place of incident and that people would ordinarily be present outside their houses at about 7:00 a.m., no independent witness from the locality has been examined by the prosecution. Therefore, the testimony of PW1 remains substantially uncorroborated by any independent evidence.

22. So far as the allegation of assault with MO1-stone is concerned, the evidence of PW1 also does not inspire full confidence. Though he identified MO1 as the stone allegedly used in the assault, the seizure mahazar itself becomes doubtful in view of the evidence of PW6, who initially denied seizure of any stone in his presence and stated that his

signature was obtained on a blank paper. Further, the medical evidence of PW7 only discloses complaint of pain over the right side of the chest and simple injury in nature. The doctor admitted during cross-examination that chest pain may also occur due to lifting heavy objects or bloating and further stated that blood clotting would depend upon the intensity of assault. No external injury of serious nature corresponding to a forceful stone assault is forthcoming from the medical evidence.

23. Moreover, the evidence of PW1 is not consistently corroborated by other prosecution witnesses. PW3, who is the wife of PW1 and projected as an eye-witness, has completely turned hostile and has not supported the case of the prosecution in any manner. The other alleged eye-witnesses, namely Pws.4 and 5, have also not fully supported the prosecution in their examination-in-chief and admitted several incriminating suggestions only after being treated partly hostile by the prosecution. Such evidence, being partly improved and inconsistent, cannot be accepted without caution.

24. Therefore, though PW1 is an injured witness, his testimony is not of sterling quality so as to safely base conviction solely upon it. The material contradictions regarding

the place of incident, the omissions relating to wrongful restraint and abusive words, the absence of independent corroboration despite availability of independent witnesses, the doubtful seizure of MO1, and the inconclusive medical evidence cumulatively create serious doubt regarding the prosecution version.

PROOF OF MAHAZAR EX P 2:

25. Ex.P2–mahazar is relied upon by the prosecution for proving the spot of incident as well as seizure of MO1–stone allegedly used by the accused for assaulting PW1. However, upon appreciation of the evidence relating to the said mahazar, this Court finds that the prosecution has failed to satisfactorily prove the same in accordance with law.

26. According to the prosecution, Ex.P2–mahazar was conducted on 15.04.2021 in the presence of PW2 and PW6 and MO1–stone was seized from the spot. PW1 deposed that the police conducted the mahazar between 5:30 p.m. and 6:00 p.m. and seized MO1 under the mahazar in the presence of Cws.3 and 7. PW2 also deposed that the police conducted the mahazar in his presence and that he signed the same.

However, the evidence of these witnesses regarding the mahazar is not free from inconsistencies. PW1 stated that he had shown the place of incident to the police, whereas PW2 deposed that the place was shown by himself and PW7. During cross-examination by the learned APP, PW2 further admitted that the place of incident was shown by PW6 and that MO1—stone was handed over to the police by PW6. Thus, there are inconsistent versions regarding who actually showed the spot and who produced the alleged stone.

27. More importantly, PW6, who is the independent mahazar witness to Ex.P2, did not support the prosecution in his chief-examination. He categorically deposed that the police had not conducted any mahazar in his presence and had not seized anything before him. He further stated that he did not know the contents of Ex.P2. Though during cross-examination by the learned APP, after treating him as hostile, he admitted the suggestions put to him regarding conduct of mahazar and seizure of MO1, in his cross-examination by the learned counsel for the accused he again admitted that the police had obtained his signature on a blank white paper and that he did not know what was written in Ex.P2. He further admitted that

he could not exactly state the date on which the mahazar was conducted. Such evidence creates serious doubt regarding the genuineness and authenticity of Ex.P2.

28. Further, though PW8—Investigating Officer deposed that he had issued notice to PW2 and PW6 before conducting the mahazar, no such notice has been produced before the Court. PW2 himself admitted during cross-examination that no written notice had been issued to him. This omission further weakens the prosecution case regarding lawful and proper conduct of mahazar proceedings.

29. It is also relevant to note that there are inconsistencies regarding the very place of occurrence. While PW1 admitted that in Ex.P1—complaint the incident was stated to have occurred near the house of Giddappa, the prosecution later shifted the place of incident to near the house of PW2. Such contradictions assume significance while considering the evidentiary value of the spot mahazar.

30. Thus, the prosecution has failed to establish through cogent and reliable evidence that Ex.P2 was duly conducted in the manner alleged or that MO1 was lawfully

seized from the spot in the presence of independent witnesses. The evidence of the mahazar witnesses being inconsistent and unreliable, and one of the witnesses having specifically stated that his signature was obtained on a blank paper, the evidentiary value of Ex.P2 becomes highly doubtful. Consequently, this Court is unable to place reliance upon Ex.P2–mahazar and the alleged seizure of MO1 for fastening criminal liability upon the accused.

TESTIMONY OF EYE WITNESSES:

31. The prosecution has examined PW2 to PW5 as eye-witnesses to the alleged incident. However, on a careful appreciation of their evidence, this Court finds that their testimonies suffer from serious infirmities, inconsistencies, and lack of independent assurance, thereby rendering them unsafe for reliance.

32. PW3, who is the wife of PW1, has completely turned hostile and has not supported the prosecution case in any manner. She has categorically stated that she does not know anything about the incident and denied giving any statement to the police. Despite cross-examination by the

learned APP, nothing incriminating could be elicited from her. Being a close relative of the injured and yet not supporting the prosecution version, her evidence does not advance the case of the prosecution.

33. PW2 deposed that on 15.04.2021, while PW1 was standing near his house, the accused came there, quarreled with PW1, went away and later returned along with his brother and assaulted PW1 with a stone on the right side of his chest. However, his evidence is not free from inconsistencies and improvements. In his chief-examination, PW2 stated that the incident occurred between 7.45 a.m. and 8.00 a.m., whereas the prosecution case and evidence of PW1 suggest that the incident took place at about 7.00 a.m. Further, in his chief-examination he did not state that the accused restrained PW1 or abused him in filthy language. These allegations surfaced only during cross-examination by the learned APP after treating him as partly hostile. He further admitted that the quarrel was pacified by himself and others and that the stone was handed over to the police by PW6. His testimony regarding the place of incident and seizure of MO1 is also inconsistent with the evidence of other witnesses. Moreover,

he admitted that no written notice had been issued to him by the police regarding the mahazar proceedings. Therefore, the evidence of PW3 does not appear wholly trustworthy and appears to contain material improvements introduced during hostile cross-examination.

34. PW4 merely deposed that she witnessed a quarrel between the accused and CW1 and that the accused assaulted CW1 with hands and a stone on the chest. However, she categorically stated that she did not know anything further about the incident. Significantly, when MO1—stone was shown to her before the Court, she expressed inability to identify the same and stated that she could not exactly remember whether the accused had assaulted CW1 with that stone, thereby creating serious doubt regarding the use and seizure of MO1. Further, PW4 admitted in her cross-examination that the accused and CW1 were not on cordial terms, indicating prior enmity between them and thereby giving scope for false implication. She also admitted that she had not given any statement before the police. This admission materially weakens the prosecution case, as the incriminating portions

elicited during her hostile cross-examination lose corroborative value.

35. It is also pertinent to note that the allegations regarding abuse in filthy language as “Sule Magne” and “Boli Magne,” pacification of the quarrel, transportation of CW1 to the hospital and assault with MO1–stone did not form part of her chief-examination and surfaced only through suggestions made by the learned APP after treating her as partly hostile. Moreover, PW.4 failed to give a detailed and natural account of the incident, including the manner of assault and sequence of events. Her evidence is vague and omnibus in nature and her inability to identify MO1 materially affects her credibility as an eye-witness.

36. PW5 has also given a vague and unconvincing version of the incident. He stated that he saw the accused assaulting PW1 but was unable to state whether the assault was by hand or by stone. He further expressed inability to remember the names or identity of other persons present at the spot, despite the alleged occurrence being in a village setting. He also admitted that he was seeing MO1–stone for the first

time in Court, thereby weakening the prosecution claim of recovery and identification of the weapon. Though he accepted the suggestions of the learned APP after being treated as hostile, such responses do not constitute substantive evidence. In cross-examination, he further admitted that he had not given any statement to the police, which makes his alleged presence at the scene doubtful. His evidence, therefore, remains vague, inconsistent, and lacking in material particulars.

37. Thus, while PW2 has completely turned hostile, Pws.3 to 5 have not given consistent or reliable accounts of the incident. Pws.4 and 5, in particular, suffer from uncertainty regarding the very manner of assault and fail to provide a coherent version of the occurrence. Their evidence appears to be either based on assumptions or subsequent improvements made during trial rather than on immediate and truthful perception of the incident. In the absence of independent corroboration and in view of the inherent contradictions and omissions in their testimonies, this Court finds that the evidence of PW2 to PW5 does not inspire confidence and is insufficient to corroborate the prosecution case beyond reasonable doubt.

THE MEDICAL EVIDENCE:

38. The medical evidence in the present case is mainly based on the testimony of PW7/Ex.P5—wound certificate, which is relied upon to corroborate the alleged assault on PW1. PW7 has deposed that on 15.04.2021, PW1 was brought to Nayakanahatti Hospital with a history of assault and on examination he complained of pain over the right side of the chest. He opined that the injury was simple in nature and stated that such injury was possible if a person is assaulted with MO1—stone. On the basis of such opinion, Ex.P5—wound certificate has been issued.

39. However, on careful scrutiny, the medical evidence does not lend the necessary assurance to the prosecution case. Firstly, the nature of injury noted is only “pain over the right side of chest”, which is a subjective symptom and not an objectively supported external injury of any significant nature such as contusion, abrasion, swelling, or fracture. The doctor himself has admitted that chest pain may occur due to various other causes, including lifting of heavy weight or gastrointestinal issues, thereby indicating that the symptom is

not exclusively attributable to a violent assault with a stone. The medical evidence, therefore, remains inconclusive regarding the alleged manner of assault.

40. More importantly, Ex.P5 records the time of admission of PW1 as 11.00 a.m., whereas the prosecution version suggests that the incident occurred around 7.00 a.m. and that PW1 was taken to hospital immediately thereafter in an ambulance. This gap of nearly four hours between the alleged occurrence and hospital admission remains unexplained by the prosecution. No satisfactory explanation is forthcoming as to why there was such a delay in shifting an allegedly injured person, especially when multiple relatives are said to have been present and an ambulance was allegedly used. This unexplained delay creates a serious dent in the prosecution version regarding the immediacy and seriousness of the alleged assault.

41. Further, the medical evidence does not record any specific external injuries consistent with a forceful assault by a stone. There is no mention of laceration, contusion, hematoma, or other objective findings that would ordinarily be expected in

a stone attack on the chest. The opinion of PW7 that the injury is “possible” by MO1 remains only a possibility and not a definitive conclusion establishing causation beyond reasonable doubt. It is well settled that medical evidence of mere possibility cannot by itself establish the manner of assault when ocular evidence is doubtful.

42. Thus, the medical evidence, when read as a whole, does not conclusively support the prosecution version either as to the manner of assault or as to the immediacy and seriousness of the alleged incident. On the contrary, the absence of clear injury findings coupled with the unexplained delay reflected in Ex.P5 materially weakens the prosecution case and fails to provide the necessary corroboration to the oral testimony of PW1 and other witnesses.

TESTIMONY OF INVESTIGATING OFFICERS:

43. The evidence of the Investigating Officer (PW8), when read along with Ex.P5–wound certificate and the cross-examination elicited during trial, reveals certain inconsistencies in the sequence of events, particularly with regard to the timing of admission of PW1 and the commencement of investigation.

44. PW8, the first Investigating Officer, deposed that on 15.04.2021, upon receipt of the MLC report from Nayakanahatti Hospital, he proceeded to the hospital and recorded the complaint of PW1 and thereafter registered the FIR at about 12:30 p.m. He further stated that the investigation was taken up immediately thereafter and the mahazar was conducted on the same day. However, in his cross-examination, PW8 admitted that the MLC report had been received at the police station at about 10.00 a.m. and that he reached the hospital at about 10.20 a.m. This version becomes material when considered in light of Ex.P5, which records the time of admission of PW1 as 11.00 a.m.

45. Thus, there emerges an inconsistency regarding the chronology of events. If, as per PW8, the MLC report was received at 10.00 a.m. and the Investigating Officer reached the hospital at 10.20 a.m., it remains unexplained as to how Ex.P5 reflects admission of PW1 at 11.00 a.m. This discrepancy in timing creates doubt regarding the exact sequence of occurrence, examination of PW1, and registration of the complaint. The prosecution has not offered any

clarification reconciling this inconsistency between the medical records and the investigation timeline.

46. Further, PW8's assertion regarding immediate recording of complaint and prompt registration of FIR also becomes doubtful in view of the admitted variation in timings. Though PW8 has stated that he issued notice to Cws.3 and 7 for conducting mahazar, no such notices have been produced on record, which further weakens the procedural regularity of investigation.

47. PW9, the subsequent Investigating Officer, has generally supported the completion of investigation and filing of final report, but his evidence does not specifically clarify or rectify the inconsistencies relating to the timing of admission in Ex.P5 vis-à-vis the receipt of MLC report and commencement of investigation by PW8. His evidence remains formal in nature and does not materially strengthen the prosecution case on these crucial aspects.

48. Therefore, when the evidence of PW8 is read along with Ex.P5—wound certificate, a clear inconsistency emerges regarding the timing of admission and

commencement of investigation. This unexplained discrepancy casts a doubt on the sequence of events projected by the prosecution, particularly whether the alleged incident, medical examination, and registration of FIR occurred in the manner and at the time alleged by the prosecution. In criminal jurisprudence, such unexplained inconsistencies in the foundational facts of investigation and medical record assume significance and weaken the overall reliability of the prosecution case.

Conclusion:

49. On an overall appreciation of the oral and documentary evidence on record, this Court is of the view that the prosecution has failed to prove the guilt of the accused beyond reasonable doubt.

50. The case of the prosecution mainly rests on the evidence of PW1, who is the injured witness. However, his evidence is not fully reliable as it contains material omissions, contradictions, and improvements with regard to the place of occurrence, manner of assault, alleged restraint, and abusive words attributed to the accused. His testimony also remains

uncorroborated by any independent witness, though it is stated that several persons were present at the spot.

51. The evidence of PW2 to PW5, who are projected as eye-witnesses, is also not convincing. PW2 has completely turned hostile and not supported the prosecution case. Pws.3 to 5 have given inconsistent and vague versions, and material aspects have been brought out only during cross-examination by the learned APP after they were treated as hostile. Their evidence is further weakened as they are closely related to PW1 and there is no independent corroboration.

52. The medical evidence shows only a simple injury in the form of chest pain. The doctor's opinion only indicates possibility of such injury by use of a stone and is not conclusive. It is also admitted that such chest pain may arise due to other causes. Further, the delay reflected in Ex.P5 regarding admission time, along with inconsistencies in the timing spoken to by PW8, creates doubt about the sequence of events projected by the prosecution.

53. The evidence relating to the spot mahazar and seizure of MO1 is also doubtful, as the mahazar witnesses

have given inconsistent versions and one of them has denied proper seizure proceedings. The Investigating Officers have also not been able to satisfactorily explain the discrepancies between the medical records and the investigation timeline.

54. Thus, the evidence on record does not form a clear, consistent, and reliable chain to prove the essential ingredients of offences under Sections 341, 504, 323 and 324 IPC. At best, the prosecution case raises suspicion, but suspicion, however strong, cannot take the place of proof. Accordingly, this Court holds that the prosecution has failed to prove the guilt of the accused beyond reasonable doubt, and the accused is entitled to the benefit of doubt. Accordingly, the point Nos.1 to 4 is answered in negative.

55. **Point No.5:-** In view of the findings and answers to Point Nos.1 to 4 and the reasons assigned thereto, since the prosecution has failed to prove its case beyond all reasonable doubt, the benefit of doubt must certainly be extended to the accused. Hence, for these reasons, the following:

ORDER

Acting U/Sec.248(1) of Cr.P.C. the accused is acquitted of the offences U/s 341, 504, 323 & 324 of IPC.

Bail bonds of the accused shall stand canceled.

MO.1 being worthless is ordered to be destroyed after the appeal period is over.

The bail bond executed U/Sec.437(A) of Cr.P.C shall be continued for a period of six months or till issuance of notice in respect of any appeal [if preferred] against the present judgment.

(Dictated to the Stenographer, directly on Computer and typed by him. The same is corrected and then pronounced by me in the open Court on this the **14th day of May 2026**)

(PUNITH B.R.)
Addl. Civil Judge & JMFC.,
Challakere.

ANNEXURE**1. List of witnesses examined for prosecution:**

PW-1 - Somashekara
PW-2 - Rudramuni

PW-3	-	Anitha
PW-4	-	Ananthamma
PW-5	-	Rudresha
PW-6	-	Thippeswamy
PW-7	-	Dr.K.R. Nagaraja
PW-8	-	Manjunatha.A.P
PW-9	-	Nagaraja

2. List of documents on behalf of prosecution:

Ex.P1	-	Complaint
Ex.P1(a)	-	Signature
Ex.P2	-	Spot mahazar
Ex.P2(a) to (c)	-	Signatures
Ex.P3	-	Statement of P.W.3
Ex.P4	-	Statement of P.W.5
Ex.P5	-	Wound Certificate
Ex.P5(a & b)	-	Signatures
Ex.P6		FIR
Ex.P6(a)	-	Signature

3. List of witnesses examined for accused:

Nil

4. List of documents on behalf of accused:

Nil

5. List of Material Objects:

1 Stone

Addl. Civil Judge and JMFC.,
Challakere.