



IN THE COURT OF II ADDL. CIVIL JUDGE AND JMFC
AT KADUR

Present: Shri. Thahakaleel K.A. B.A. LL.B

II Addl. Civil Judge and JMFC., Kadur

Date: 27th Day of March 2026

CC No.146/2023

Complainant: The State of Karnataka,
Represented by Panchanahalli Police.

(Rep. by learned APP)

V/s

Accused:

- 1.** Sri. T.B. Dinesh
S/o Basavarajappa,
Aged about 36 years, Agriculturist,
- 2.** Sri. T.N. Channabasappa
S/o Nagarajappa,
Aged about 39 years, Agriculturist,
- 3.** Sri. T.U. Ramesh
S/o Ujginappa,
Aged about 44 years, Agriculturist,
All are R/at Thimlapura Village,
Kadur Taluk.

(Rep. by Sri. N.S., Advocate)

1. Date of Institution	31.01.2023
2. Date of commencement of Evidence	16.03.2026
3. Offence complained of or U/s.504, 323, 324, 506,	

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proved Act	R/w 34 of IPC
4. Plea Accused on his Examination	Pleaded not guilty
5. Final Order	Accused No.1 to 3 are acquitted
6. Date of such Order	27.03.2026

**(THAHAKALEEL K.A.)
II ADDL. CIVIL JUDGE & JMFC
KADUR.**

:: J U D G M E N T ::

The Panchanahalli Police have filed a charge sheet against Accused Nos.1 to 3 for the offences punishable under Sections 504, 324, 323, 506 read with Section 34 of the Indian Penal Code.

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

On 21.10.2022 at about 8:30 a.m., at Panchanahalli Village, when CW1 had parked his scooty in front of his

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house, Accused No. 1 came there driving a tractor and intentionally kicked against the said scooty, causing damage. When CW1 questioned the said act, Accused No. 1 abused him in filthy language. In the meanwhile, Accused Nos. 2 and 3 came to the spot and, sharing common intention with Accused No. 1, joined in the quarrel. All the accused persons assaulted CW1 with a stick, tore his clothes, and criminally intimidated him by issuing life threats.

3. Due to the injuries sustained in the said quarrel, CW1 was admitted to the hospital, where he gave a statement to the police. Based on the said statement, the police registered an FIR in Crime No. 46/2024 for the aforesaid offences and took up investigation. After completion of the investigation, the Investigating Officer

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has filed the charge sheet against the accused persons for the aforesaid offences.

4. On receipt of the charge sheet, this Court, being satisfied that there are sufficient materials to proceed against the accused, has taken cognizance of the offences punishable under Sections 504, 323, 324, 506 read with Section 34 of the Indian Penal Code and issued summons to the accused persons.

5. In response to the summons, the accused persons appeared before the Court and were enlarged on bail. Copies of the charge sheet and its enclosures were furnished to them in compliance with Section 207 of Cr.P.C.

6. After hearing both sides, and as there were no grounds for discharge, charges were framed, read over, and explained to the accused persons in the language

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known to them. The accused persons pleaded not guilty and claimed to be tried.

7. In order to prove the case of the prosecution, the prosecution has examined the complainant and injured witness, Sri Basavarajappa, as PW1. However, he has turned completely hostile to the case of the prosecution. Though the learned Assistant Public Prosecutor subjected him to detailed cross-examination, nothing material has been elicited from his evidence.

8. The learned Assistant Public Prosecutor prayed for issuance of summons to the remaining witnesses. However, since CW1, who is the star witness of the prosecution, has himself turned hostile, no useful purpose would be served by examining the remaining witnesses. Hence, the prayer of the learned Assistant Public Prosecutor is rejected.

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9. As there is no incriminating evidence against the accused persons, the examination of the accused under Section 313 of Cr.P.C. is dispensed with.

10. Heard the arguments of both sides and perused the materials available on record. The following point arises for determination of this Court:

1. Whether the prosecution proves beyond reasonable doubt that on 21.10.2022 at about 8:30 a.m., at Panchanahalli Village, the accused persons, in furtherance of their common intention, intentionally insulted CW1, voluntarily caused hurt and simple injuries by means of a stick, and criminally intimidated him, thereby committed offences punishable under Sections 504, 323, 324, 506 read with Section 34 of the Indian Penal Code?

2. What Order?

11. The answer of this court for the above points are as follows:

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- Point No.1 : In the Negative,
Point No.2 : As per the final Order for
the following;

:: R E A S O N S ::

12. Point No.1:- PW1, who is the complainant and injured witness in the present case, has completely turned hostile to the case of the prosecution. In his evidence, he has deposed that no such incident as alleged by the prosecution has taken place and that he has not sustained any injuries nor given any statement to the police. Though he has admitted his signature on the statement, he has denied the contents of the same.

13. The learned Assistant Public Prosecutor has treated PW1 as hostile and subjected him to cross-examination at length. However, nothing has been elicited from his mouth to support the case of the prosecution.

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14. PW1 being the injured and star witness, his evidence is vital to establish the case of the prosecution. In the absence of his supporting testimony, the prosecution case becomes doubtful and lacks foundational support.

15. The learned Assistant Public Prosecutor prayed for issuance of summons to the remaining witnesses. However, this Court is of the opinion that no useful purpose would be served by examining the remaining witnesses when the complainant himself has not supported the case of the prosecution.

16. In this regard, it is relevant to rely upon the settled principle laid down in *Satish Mehra v. Delhi Administration & Anr.* (1996) 9 SCC 766, wherein the Hon'ble Supreme Court has held that when there is no prospect of the case ending in conviction, the Court

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should not waste judicial time by continuing the trial merely for the sake of completing the formalities.

17. Further, it is also a settled principle that when the material witness has turned hostile and there is no likelihood of securing conviction, examination of formal or remaining witnesses would be an empty formality.

18. Hence, this Court has rightly rejected the prayer of the learned Assistant Public Prosecutor to issue summons to the remaining witnesses.

19. In view of the above discussion, this Court holds that the prosecution has failed to prove the guilt of the accused persons beyond reasonable doubt. Accordingly, **Point No.1 is answered in the Negative.**

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

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ORDER

Acting under Section 248(1) of the Code of Criminal Procedure, the accused Nos.1 to 3 are hereby acquitted of the offences punishable under Sections 504, 323, 324, 506 read with Section 34 of the Indian Penal Code.

The bail bonds of the accused persons and surety bonds shall stand cancelled, except the bond executed under Section 437A of Cr.P.C., which shall remain in force for a period of 6 months.

Item No.1 & 2 of the PF No.47/2022 (PR.No.408/2023) are Ordered to be destroyed after lapse of appeal period.

(Dictated to the Stenographer, typed by her directly through computer, corrected and then pronounced by me in open Court, this the **27th day of March 2026**).

(THAHAKALEEL K.A)
II ADDL CIVIL JUDGE & JMFC
Kadur.

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**ANNEXURE****List of witnesses examined on behalf of****A. Prosecution:-**

PW-1 : Sri. Basavarajappa.

B. defence witness:- NIL.**List of documents examined on behalf of****A. Prosecution:-**

Ex.P1 : Complaint
Ex.P1(a) : Signature of PW1
Ex.P2 : Spot Mahazar
Ex.P2(a) : Signature of PW1
Ex.P3 : Photograph
Ex.P4 : Relevant statement of CW1.

B. Defence: NIL.**C. Court Exhibits: NIL.****D. Material Objects:- NIL.**

(THAHAKALEEL K.A)
II ADDL CIVIL JUDGE & JMFC
Kadur.