



IN THE COURT OF PRL. CIVIL JUDGE AND J.M.F.C.
KADUR

Dated this the 30th day of April, 2026

PRESENT: Smt. Amrin Sultana. B.A., L.L.B.,
Prl. Civil Judge and JMFC, Kadur.

CC.No.1739/2016

Kadur Police Station

Complainant

(By Learned Assistant Public Prosecutor)

-V/s-

01 Smt.Parvathamma S/o
Siddaramappa, Aged about
68 years, Housewife, R/at.
Bisalehalli village, Kadur
Taluk, Chickmagaluru
District.

02 Sri.Jagadeesha S/o
Siddaramappa, Aged about
42 years, Agriculturist,
R/at. Bisalehalli, Kadur
Taluk, Chickmagaluru
district.

ACCUSED

03 Sri.Puttaswamy S/o
Siddaramappa, Aged about
47 years, Agriculturist,



R/at. Bisalehalli, Kadur
Taluk, Chickmagaluru
district.

- 04 Smt.Vishalamma S/o
Rangaswamy, Aged about
52 years, Housewife, R/at.
Dasarahalli villae,
Bangaluru.
- 05 Smt.Kalavathi W/o
Siddegowda, Aged about 38
years, Housewife, R/at.
Rajanasiriyuru, Halebeedu,
Hassan District.

(By Sri. PRC., Advocate)

1.	Date of commission of offence	08.05.2016
2.	Name of the complainant	Sri.B.C.Jayanna
3.	Date of recording of evidence	07.11.2023
4.	Date of closing of evidence	25.02.2026
5.	Offences complained of	U/S.324, 323, 506 R/w.34 of IPC.
6.	Opinion of the Judge	Accused found not guilty.



J U D G M E N T

The PSI, Kadur, has filed the charge sheet against Accused Nos. 1 to 5 for the offences punishable under Sections 506, 323, and 324 read with Section 34 of the Indian Penal Code.

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

On 08.05.2016 at about 10.30 a.m., when CW1 and CW2 were present at their house situated at Bisilehally Village, within the jurisdiction of Kadur Police Station, the accused picked up a quarrel with CW2 regarding a vacant site situated behind their house. During the quarrel, Accused No.1 assaulted CW2 with a stone. Accused Nos. 2 and 3 assaulted CW2 with sticks, and Accused Nos. 4 and 5 assaulted CW2 with their hands and also threatened him with dire consequences.

3. On the basis of the first information statement given by CW1, the police registered FIR in Crime No. 167/2016 for the offences punishable under Sections 323,



324, 504, and 506 read with Section 34 of IPC. After completion of the investigation, the Investigating Officer filed the charge sheet for the offences punishable under Sections 323, 324, and 506 read with Section 34 of IPC.

4. After receipt of the charge sheet, and as sufficient materials were found to proceed against the accused persons, this Court took cognizance of the aforesaid offences and issued summons to them. 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 the accused persons in compliance with Section 207 of CrPC.

5. After hearing both parties, this Court framed charges for the offences punishable under Sections 323, 324, and 506 read with Section 34 of IPC. The charges were read over and explained to the accused persons. They pleaded not guilty and claimed to be tried.



6. In order to prove its case, the prosecution examined 8 witnesses out of the 9 witnesses cited in the charge sheet. CW2 had died and therefore could not be examined.

7. After completion of the prosecution evidence, the accused persons were examined under Section 313 of CrPC with reference to the incriminating evidence appearing against them in the prosecution case. The accused denied the same as false and stated that they had no defence evidence to adduce. The accused persons have complied with Section 437A of CrPC by furnishing sureties.

8. Heard arguments from both sides, perused materials available on records, the following points would arise for the determination of this court.



1. Whether the prosecution proves beyond all reasonable doubt that on 08.05.2016 at about 10.30 a.m., at Bisilehally Village, within the jurisdiction of Kadur Police Station, Accused No.1 assaulted CW2 with a stone, Accused Nos.2 and 3 assaulted CW2 with sticks, while Accused Nos.1 to 5 shared the common intention and participated in the occurrence, thereby voluntarily causing hurt by dangerous means, and thus committed an offence punishable under Section 324 read with Section 34 of the Indian Penal Code?
2. Whether the prosecution further proves beyond all reasonable doubt that at the said date, time, and place, the Accused Nos.4 and 5 assaulted CW2 with their hands, in furtherance of their common intention, and thereby committed an offence punishable under Section 323 read with Section 34 of the Indian Penal Code?
3. Whether the prosecution further proves beyond all reasonable doubt that at the said date, time, and place, all the accused threatened CW2 with dire consequences, with intent to cause alarm to him, and thereby



committed an offence punishable under Section 506 read with Section 34 of the Indian Penal Code?

4. What order?

9. The answer of this court for 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 the final
Order for the
following;

REASONS

10. Point No.1 to 3 : As these points are interconnected with each other to avoid repetition of facts, and to streamline the discussion, these points have been taken up together for common discussion.

11. It is the settled principle of criminal jurisprudence that the burden lies entirely upon the prosecution to prove the guilt of the accused beyond all reasonable doubt. The accused are presumed to be



innocent unless such presumption is displaced by cogent, reliable, and convincing evidence adduced by the prosecution. The prosecution must stand on its own legs and derive strength from its own evidence. It cannot take advantage of any weakness, inconsistency, or omission in the defence of the accused.

12. Further, the prosecution is required to establish all the essential ingredients of the alleged offences through trustworthy oral and documentary evidence. If there exists any reasonable doubt regarding the involvement of the accused or the manner of occurrence, the benefit of such doubt must necessarily go in favour of the accused.

13. It is also a settled rule that where two views are possible on the evidence placed before the Court, the view favourable to the accused must be adopted. Suspicion, however strong it may be, cannot take the place of legal



proof. Unless the prosecution proves the case with certainty and excludes every reasonable hypothesis of innocence, conviction cannot be recorded.

14. Keeping these settled principles in mind, the oral and documentary evidence placed by the prosecution is to be appreciated in order to determine whether the charges levelled against Accused Nos.1 to 5 for the offences punishable under Sections 323, 324 and 506 read with Section 34 of the Indian Penal Code have been proved beyond reasonable doubt.

15. The prosecution has examined CW1 as PW2, who is the complainant and an alleged eyewitness to the incident. In his chief-examination, he has stated that on 08.05.2016 at about 10.30 a.m., when he was at the house of his brother, CW2 was present at the house of one Halappa, who is the brother of CW2. At that time, Accused No.1 was assaulting CW2 with a stone. Thereafter,



Accused Nos.2 and 3 came to the spot and assaulted CW2 with sticks. Accused Nos.4 and 5 assaulted CW2 on his hand and also threatened him with dire consequences. He has further stated that, as there was a house-warming function, he could not lodge the complaint on the same day and therefore lodged the complaint after two days, which is marked as Exhibit P2, and his signature thereon is marked as Exhibit P2(a). He has also identified the stone and sticks as MO1 and MO2.

16. During the cross-examination, he has admitted that there was animosity between himself and the accused with respect to a property dispute and civil litigation. He has further admitted that he was aged about 70 years at the time of the incident.

17. CW3 and CW4, who were cited as eyewitnesses to the incident, have been examined as PW1 and PW3



respectively. However, they have turned entirely hostile to the case of the prosecution by stating that they had not witnessed any quarrel and that no such incident took place in their presence. They have further denied having given any statement before the police. Though the learned Assistant Public Prosecutor cross-examined them at length, nothing worthwhile has been elicited from their mouths to support the case of the prosecution.

18. CW5 and CW6, who were cited as panch witnesses to the spot mahazar and seizure mahazar, have been examined as PW4 and PW6 respectively. They have also turned hostile to the case of the prosecution and have stated that the police did not conduct any mahazar in their presence and that no articles were seized in their presence. Though the learned Assistant Public Prosecutor subjected them to cross-examination at length, nothing



worthwhile has been elicited from their mouths in support of the prosecution case.

19. CW8, who registered the FIR, has been examined as PW5. In his chief-examination, he has stated that on 10.05.2016 at about 10.30 a.m., while he was discharging his duties as the Station House Officer, CW1 submitted a written complaint. On the basis of the said complaint, he registered the FIR in Crime No.167/2016, forwarded the same to the Court and to his superior officer, and thereafter handed over the case file to CW9 for further investigation.

20. During the cross-examination, he has admitted that the alleged incident is stated to have occurred on 08.05.2016. Further, he has denied the suggestions made by the learned defence counsel.



21. PW7, who is the Medical Officer who treated CW2, has been examined as PW7. In his chief-examination, he has stated that on 09.05.2016 at about 8.45 p.m., CW2 visited the hospital with a history of assault. Upon examination, there were no visible injuries on his body, and CW2 complained of backache. In his opinion, the said injury was simple in nature. He has issued the wound certificate, which is marked as Exhibit P7. During the cross-examination, he has stated that the injury mentioned in Exhibit P7 could also be caused if a person falls on the floor.

22. CW9, who is the Investigating Officer, has been examined as PW8. In his chief-examination, he has stated that on 19.05.2016, he received the case file from CW8. Thereafter, he visited the spot and drew the spot mahazar as shown by CW2 in the presence of CW5 and CW6



between 10.00 a.m. and 11.30 a.m., and seized MO1 and MO2. He has also captured photographs, which are marked as Exhibit P5. He further stated that he received the wound certificate on 23.06.2016, marked as Exhibit P7, and thereafter filed the charge sheet before this Court.

23. On perusal of the wound certificate at Exhibit P7, it is evident that no external injuries were found on the person of CW2. Though the alleged incident is stated to have taken place on 08.05.2016, CW2 was taken to the hospital only on 09.05.2016 at about 8.45 p.m. Thus, there is an unexplained delay in obtaining medical examination. Further, the Medical Officer has clearly stated in his cross-examination that the complaint of backache noted in Exhibit P7 could also be caused due to a fall on the floor. Therefore, the medical evidence does not conclusively support the prosecution version that



CW2 sustained injuries due to assault by the accused persons.

24. It is also pertinent to note that the complaint came to be lodged on 10.05.2016, nearly two days after the alleged incident. Though PW2 has stated that there was a house-warming function and therefore he could not lodge the complaint earlier, the said explanation does not inspire the confidence, particularly when the allegations involve assault by multiple persons with stone and sticks. The delay in lodging the complaint creates doubt regarding the genesis of the prosecution case and gives room for embellishment and deliberation.

25. Further, PW2, who is the complainant and interested witness, has admitted in his cross-examination that there existed prior animosity and civil dispute between himself and the accused in respect of property.



Hence, his testimony requires careful scrutiny and independent corroboration. However, the independent eyewitnesses namely PW1 and PW3 have not supported the prosecution case and have turned hostile in toto. They have denied witnessing any quarrel or assault. Thus, the prosecution has lost the support of independent material witnesses.

26. Likewise, the panch witnesses PW4 and PW6 to the alleged spot mahazar and seizure mahazar have also turned hostile and have not supported the case of seizure of MO1 and MO2. In the absence of their support, the alleged recovery of stone and sticks becomes doubtful and cannot be safely relied upon.

27. Though the evidence of hostile witnesses is not to be rejected in toto, in the present case nothing useful has been elicited in their cross-examination by the learned



Assistant Public Prosecutor so as to lend assurance to the prosecution story.

28. The evidence of PW5 and PW8, being the police officials, is formal in nature regarding registration of FIR and investigation. Their evidence by itself cannot establish the guilt of the accused in the absence of reliable substantive evidence regarding the actual occurrence.

29. The prosecution was required to prove the existence of common intention under Section 34 of IPC. Except omnibus allegations, no specific overt acts and prior meeting of minds have been satisfactorily established. Mere presence of accused persons at the spot, even if assumed, is insufficient to infer common intention in the absence of cogent evidence.



30. Similarly, with regard to the offence under Section 506 of IPC, there is no convincing evidence to show the exact words of threat uttered by the accused or that such threat caused alarm to CW2. Hence, the essential ingredients of criminal intimidation are also not proved.

31. Considering the contradictions, delay in lodging complaint, absence of corroborative medical evidence, hostility of independent witnesses, doubtful seizure, admitted prior enmity between the parties, and overall infirmities in the prosecution case, this Court is of the considered opinion that the prosecution has failed to prove the guilt of Accused Nos.1 to 5 beyond all reasonable doubt. Consequently, the accused are entitled to the benefit of doubt. Accordingly, Point Nos.1 to 3 are answered in the **Negative**



32. Point No. 4 : In view of my findings, I proceed to pass following;

ORDER

Acting under Section 248(1) of the Code of Criminal Procedure, the Accused Nos.1 to 5 are hereby acquitted of the offences punishable under Sections 323, 324 and 506 read with Section 34 of the Indian Penal Code.

The bail bonds and surety bonds of the accused shall stand cancelled except furnished under Section 437A of CrPC. which shall remain in force for another period of 6 months.

MO1 and MO2, being worthless articles, shall be destructed after expiry of the appeal period.

(Dictated to the Stenographer directly on computer, computerized by her, revised and corrected by me, and then pronounced in the open Court on this the 30th day of April 2026)

(Smt. Amrin Sultana)
Prl. Civil Judge and JMFC
Kadur.



ANNEXURE

List of witnesses examined on behalf of the Prosecution:-

PW.1	:	Sri.Raju
PW.2	:	Sri. Jayanna
PW.3	:	Sri. Nanjundappa
PW.4	:	Sri. Sathish
PW.5	:	Smt. H.Manjunatha
PW.6	:	Sri.Leela
PW.7	:	Sri. Kirankumar
PW.8	:	Sri. Ramachandranaiika

List of witnesses examined on behalf of the accused:-

-Nil-

List of documents marked on behalf of the Prosecution:-

Ex.P.1	:	Statement of PW.1
Ex.P.2	:	Complaint
Ex.P.2(a)	:	Signature
Ex.P.3	:	Statement of PW.3
Ex.P.4	:	Mahazar
Ex.P.4(a to c)	:	Signature
Ex.P5	:	Photo
Ex.P.6	:	FIR
Ex.P.6(a)	:	Signature
Ex.P.7	:	Wound certificate
Ex.P.7(a&b)	:	Signature

List of documents marked on behalf of the Accused:

-Nil-



List of M.O.'s marked on behalf of the Prosecution:

M.O.1 : Stone
M.O.2 : Stick

**Prl. Civil Judge and JMFC,
Kadur.**

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