

KADG320022372023



Presented on : 23-09-2023  
Registered on : 25-09-2023  
Decided on : 24-04-2026  
Duration : 2 years, 7 months, 1 days

**IN THE COURT OF  
II ADDL. CIVIL JUDGE AND JMFC HARIHAR,  
AT HARIHAR**

**Presided Over by SMT. JYOTI ASHOK PATTAR**  
(B.E., LL.B.)

**Prl. Civil Judge & JMFC, Harihar.**

**(C/c of II Addl. Civil Judge & JMFC, Harihar)**

**C.C. No.1039/2023**

Dated this 24<sup>th</sup> day of April, 2026

**Complainant:**

State by Malebennur Police Station  
Malebennur.

**Vs.**

**Accused:**

1. Karibasaiah S/o Late. Ujjinaiah,  
Age: 48 years, Teacher,
2. Smt. Savitha W/o Karibasaiah,  
Age: 36 years, Housewife,
3. Veeraiah S/o Kalyanaiah,  
Age: 67 years, Agriculturist,

All are R/o: Kommaranahalli village,  
Harihar Taluk, Davanagere.

-----  
For Complainant : Ld. APP  
For Accused No.1 to 3 : Sri. T.R.G., Advocate  
-----

### **JUDGMENT**

The Malebennur P.S. has filed the final report against the accused No.1 to 3 for the offences punishable U/Sec. 504, 114, 323 and 506 R/w Sec.34 of IPC.

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

That on 26.11.2022 at 07:30 a.m. the CW.4 and CW.1 stood outside the house of the accused No.1 in Kommaranahalli village within the jurisdiction of Malebennur police station and asked accused No.1 to form a road at their land to which the accused No.1 and 2 started quarreling with them and at the instigation of accused No.3 scolded CW.1 and CW.4 in filthy language, assaulted them with their hands and also put life threat to them. Thereby accused No.1 to 3 committed offences punishable U/Sec. 504, 114, 323 and 506 R/w Sec.34 of IPC.

**3.** The CW.1 has set the law into motion by giving first information to Malebennur Police Station. Pursuant to first information the CW.9 has registered a case in Cr.No.223/2022 for the offences punishable U/Sec. 504, 323, 324, 114 and 506 R/w Sec. 34 of the Indian Penal

Code against the accused persons and after completing the investigation filed the final report against the accused persons for the offences punishable U/Sec. 504, 114, 323 and 506 R/w Sec.34 of the Indian Penal Code.

**4.** After filing the final report, this Court took cognizance of the offences punishable U/sec. 504, 114, 323 and 506 R/w Sec.34 of IPC. Accused No.1 to 3 secured through summons and enlarged on bail and copy of final report and other documents of prosecution were supplied to them in compliance of Sec.207 Cr.P.C. The charge is framed, same is read over and explained to the accused No.1 to 3. The accused No.1 to 3 pleaded not guilty and claimed to be tried.

**5.** In order to prove the guilt of the accused No.1 to 3 the prosecution examined as many as 7 witnesses as PW.1 to PW.7 and got marked 9 documents as per Ex.P.1 to Ex.P.9. Ex.P.1 is the complaint, Ex.P.2 is the spot mahazer, Ex.P.3 is the sketch, Ex.P.4 and Ex.P.5 are the photos, Ex.P.6 is the F.I.R., Ex.P.7 is the mahazer notice, Ex.P.8 is the 65(B) certificate and Ex.P.9 is the MLC report.

**6.** The Statement of the accused No.1 to 3 is recorded. The accused No.1 to 3 denied the incriminating material available in the evidence of the prosecution witnesses against them and have not lead any defense evidence.

**7.** Heard arguments of Ld. APP and the Ld. counsel for defense.

**8.** On the basis of the final report allegations, oral and documentary evidence adduced by the prosecution and on hearing and on perusal of the materials on record, the following points arise for this Court determination:

1. Whether the prosecution proves beyond all reasonable doubt that, on 26.11.2022 at 07:30 a.m. the CW.4 and CW.1 stood outside the house of the accused No.1 in Kommaranahalli village within the jurisdiction of Malebennur police station and asked accused No.1 to form a road at their land to which the accused No.1 and 2 with their common intention at the instigation of accused No.3 started quarreling and scolded them in filthy language and thereby committed an offences punishable U/Sec.114 and 504 R/w Sec. 34 of I.P.C?
2. Whether the prosecution further proves beyond all reasonable doubt that, on the above said date, time place and situation, accused No.1 and 2 assault CW.1 and CW.4 with their hands and thereby accused persons have committed an offence punishable U/Sec.323 R/w Sec. 34 of I.P.C?
3. Whether the prosecution further proves beyond all reasonable doubt that, on the above said date, time place and

situation the accused persons put life threat to CW.1 and CW.4 with dire consequence and thereby committed an offence punishable U/Sec.506 R/w Sec. 34 of I.P.C?

4. What order?

**9.** Court findings on the above points are as under:

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 : These points are interlinked to each other, hence these points are taken together for discussion to avoid the repetition of facts. In order to prove the guilt of the accused No.1 to 3 for the alleged offences the prosecution has examined 7 witnesses i.e. PW.1 to PW.7 and got marked Ex.P.1 to Ex.P.9.

**11.** That the CW.1 is examined as PW.1, who being the complainant deposed that, on 18.03.2020 the CW.4 asked the accused No.1 for partition of family properties, at that time the accused No.1 assaulted the CW.4 with his hand stick, due to which the CW.4 sustained with injury. The CW.1 and CW.4 had been to station and CW.4 has taken

treatment in Government Hospital at the advise of police. Again on 26.11.2022 the CW.4 asked accused No.1 to form a road in their field, to which the accused persons scolded him in filthy language, the accused No.1 dragged her by holding her hair. At the same time the accused No.1 instigated accused No.2 and his children to assault her children and accused No.2 assaulted her husband by the stick. Then on 29.11.2022 she has lodged complaint as per Ex.P.1. Thereafter on 30.11.2022 the police visited the spot and drawn mahazer as per Ex.P.2 and also drawn rough sketch as per Ex.P.3. Thereby supported the case of prosecution. But the complainant being an interested witness her testimony is not reliable unless it is corroborated by other oral and documentary evidence on record.

**12.** That the CW.2 is examined as PW.3, who is a mahazer witness deposed that he has signed Ex.P.2 and Ex.P.3 i.e., spot mahazer and sketch near the house of CW.1 regarding the quarrel took place between accused persons and CW.1 and CW.4 at the time of drawing-up mahazer. Even though PW.3 has supported the prosecution case his evidence establishes only a fact of visit of the spot by the police. But the burden to prove the guilt of the accused persons is remains the same on prosecution.

**13.** That the CW.4 is examined as PW.2, who is a victim deposed the following version of CW.1/PW.1 and thereby supported the prosecution case. It is pertinent to note that the CW.4 is the husband of the CW.1, therefore the CW.4/PW.3 being an interested witness, his testimony is not reliable unless it is corroborated by other independent oral and documentary evidence.

**14.** The CW.5 is examined as PW.4, who is circumstantial witness deposed that, about 3 years back one day at about 07.30 a.m he had been near the house of CW.4 and at that time the accused persons and CW.4 were quarreling. At that time the accused No.2 scolded CW.1 in filthy language and the said quarrel took place regarding forming of a road in their land. But the witness has not stated anything about the alleged offences and thereby turned partly hostile to the prosecution case. In the cross-examination of Ld. APP the witness admitted the suggestions made therein. It is pertinent to note that the PW.4 in his examination-in-chief stated that accused No.2 scolded CW.1 in filthy language and except the said statement he has not stated any material fact regarding the commission of alleged offences. Even though the witness admitted the suggestions made by the Ld. APP, such evidence has no value unless it is corroborated by other material evidence. If at all the witness having knowledge about the incident, the prosecution could have

elicited the material facts regarding the alleged incident in his examination-in-chief itself. Moreover the witness has not stated what kind of words have been uttered by the accused No.2 and in the absence of such material facts the guilt of the accused cannot be established. Therefore the evidence of PW.4 is no avail to the prosecution to prove the guilt of the accused persons.

**15.** That the CW.8 is examined as PW.5, who is a police officer deposed that on 30.11.2022 he had accompanied with CW.9 and typed mahazer i.e.,Ex.P.2 at the spot and thereby supported the prosecution case. That the CW.9 is examined as PW.6, who is an investigation officer deposed about registering case, submitting FIR as per Ex.P.6, drawing-up mahazer as per Ex.P.2, rough sketch as per Ex.P.3, obtaining photographs as per Ex.P.4 and Ex.P.5,, receiving 65(B) certificate as per Ex.P.8, recording statements of CW.2 to CW.6, recording re-statement of CW.1 and submitting final report against accused persons. That the PW.5 and PW.6 being an official and an investigation officer respectively are supposed to support the prosecution case. Hence, the evidence of PW.5 and PW.6 is not reliable unless it is corroborated by other independent witnesses.

**16.** That the CW.10 is examined as PW.7, who is a doctor deposed that on 18.03.2020 at about 08.03 p.m CW.4

approached her for the treatment with a history of assault caused to him by his brothers at Kommaranahalli and on examination she found blood injury at his neck and abrasions at left side of the neck and below the wrist. It is pertinent to note that the present case is registered in respect of an alleged incident took place on 29.11.2022 and there is no such wound certificate has been produced by the prosecution to establish its case. And the evidence of this witness has no nexus with alleged incident dated: 29.11.2022. Therefore the evidence of PW.7 is no avail to the prosecution to prove the guilt of the accused.

**17.** It is pertinent to note that from the prosecution evidence it reveals that the complainant and accused persons are close relatives and having civil dispute regarding the family properties and often there were quarrels between them. The CW.1 and CW.4 are interested witnesses deposed following the version of prosecution case. In the case on hand the only an independent witness is CW.5 who is examined as PW.4, but as discussed above the CW.5/PW.4 has not stated anything about the alleged offences in his examination-in-chief and his evidence is no avail to the prosecution for the reasons stated supra. Moreover the statements of the witnesses and their examination-in-chief and contents of complaint are not intact with each other. Therefore there is no corroboration in the prosecution evidence.

**18.** It is pertinent to note that the incident took place on 26.11.2022 at about 07.30 a.m, but the complaint is lodged on 29.11.2022, therefore 3 days delay in lodging the complaint. But no specific reasons stated in the complaint and FIR regarding the cause of delay. Moreover the contents of complaint are not corroborative with the testimony of interested witnesses. And admittedly the accused persons have also lodged a complaint against the CW.1 and CW.4. Under such circumstances there arises doubt in respect of commission of alleged offences.

**19.** It is pertinent to note that the CW.1/PW.1 in her cross-examination admitted that on 26.11.2022 accused persons have not assaulted her husband. And there is no material on record to show that the CW.1 and CW.4 were sustained with simple injuries in the alleged incident. Therefore there is no corroboration in the prosecution evidence. Thus there arises doubt in respect of commission of alleged offences.

**20.** That from the evidence it reveals that there is grudge between the complainant and accused persons regarding the family properties and often there were quarrels. Under such circumstances there is very likely hood of exchange of heat-words. So, that doesn't mean that the accused persons have assaulted the complainant. Hence, in the absence of necessary ingredients of the

alleged offences, evidence of independent witnesses and the corroborative of such evidence with that of material objects, it creates doubt in the mind of the Court in respect of commission of offences by the accused persons. Moreover, the PW.1 and PW.2 are interested witnesses and their evidence cannot be considered in the absence of any other corroborative evidence by the independent witness. Thus, in the absence of cogent evidence, recovery of material objects and establishing its nexus with the accused persons, the accused persons cannot be held guilty only on the basis of evidence of interested witnesses. Thus, the evidence lead by the prosecution creates doubt in respect of commission of offences.

**21.** Thus as discussed above the prosecution utterly failed to build a chain of events by establishing facts and leading cogent evidence. Hence, the accused persons are entitled to benefit of doubt. It is a cardinal principle of law that once the doubt arises in the mind of the Court that, every benefit of doubt should go in favour of the accused persons. Hence, the prosecution has failed to prove the guilt of the accused persons beyond all reasonable doubt. Hence, by extending the benefit of doubt, the accused persons are entitled for acquittal. Hence, Point No.1 to 4 answered in the Negative.

**22.** Point No.5 : In view of the above discussion and findings given on the above points, this Court proceed to pass the following:

**ORDER**

Accused No.1 to 3 found not guilty for the offences punishable U/Sec. 504, 114, 323 and 506 R/w Sec.34 of the Indian Penal Code.

By acting under section 248(1) of Cr.P.C, accused No.1 to 3 are hereby acquitted of the offences punishable U/Sec. 504, 114, 323 and 506 R/w Sec.34 of the Indian Penal Code.

The bail bond and surety bond of the accused No.1 to 3 executed in compliance of Sec.437-A of Cr.P.C., are hereby ordered to be canceled after completion of appeal period.

(Directly dictated to the Stenographer on computer typed her, corrected and then pronounced in the Open Court on this the 24<sup>th</sup> day of April, 2026)

**(Jyoti Ashok Pattar)**  
**C/c II Addl.Civil Judge & JMFC.,**  
**Harihar.**

**ANNEXURE**

Witnesses examined on behalf of Prosecution:

PW.1      Pushpa

PW.2 Gadigeyya  
PW.3 Raja Naik  
PW.4 Hanumanth Naik  
PW.5 Kademani Nagappa  
PW.6 M. Fairoz Khan  
PW.7 Dr. G.V. Lakshmidevi

Witnesses examined on behalf of Defense:

- NIL -

Documents exhibited by the prosecution:

Ex.P.1 Complaint  
Ex.P.2 Spot mahazer  
Ex.P.3 Sketch  
Ex.P.4&5 Photos  
Ex.P.6 F.I.R.  
Ex.P.7 Mahazer notice  
Ex.P.8 65(B) certificate  
Ex.P.9 MLC report

Documents exhibited by the Defense:

- NIL -

Material objects marked:

- NIL -

**C/c II Addl. Civil Judge & JMFC.,  
Harihar.**