

KADG520014322020



Presented on : 07-08-2020
Registered on : 07-08-2020
Decided on : 16-07-2026
Duration : 5 years, 11 months, 9 days

IN THE COURT OF THE ADDITIONAL CIVIL JUDGE AND J.M.F.C.,
HONNALI

Dated this the 16th Day of July 2026

PRESENT : Sri. PUNYAKOTI S N
BA LLB
Additional Civil Judge & J.M.F.C., Honnali

CRIMINAL CASE No.1131/2020

COMPLAINANT: The State through,
Nyamathi Police Station.
(Rep. By Asst. Public Prosecutor,)

//Versus//

ACCUSED: 1. Umesha H C
S/o Chandrappa H
Aged 51 Years.
2. Shivakumara C H
S/o Chandrappa
Aged 49 Years.
3. Savitha
W/o Umesha
Aged 48 Years.
4. Eramma
W/o Shivakumara
Aged 42 Years.

All are R/o Chiluru village,
Nyamathi Taluk,
Davanagere Dist.

(Rep. By Sri.HMS Advocate,)

1.	Date of commencement of offence.	13-11-2019
2.	Date of report of offence	16-03-2020
3.	Arrest of the Accused	-
4.	Name of the Informant	Latha Jagadeesha
5.	Date of commencement of recording evidence	30-10-2025
6.	Date of closing of evidence	27-06-2026
7.	Offences complained of	U/s.323, 324, 354(B), 504, 506 R/w. Sec.34 of IPC.
8.	Opinion of the Judge	Accused found not guilty.

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

This case emanates from the charge-sheet filed by the SHO of Nyamathi Police Station against the accused 1 to 4 for the commission of an offences punishable U/s. 323, 324, 354(B), 504, 506 R/w. Sec.34 of IPC.

2. The factual matrix of the prosecution case in brief are as follows:- That on 13-11-2019 around 10.30 a.m. within jurisdiction of Nyamathi Police station at Chiluru village, the accused No.1 to 4 in furtherance of common intention abused CW-1 in filthy language, assaulted the CW.1 with their hands, accused No.1 assaulted CW-1 with brick, accused No.2 assaulted CW-1 with spade due to which caused simple injuries and dragged the saree of CW-1 with intend to outrage her modesty and criminally intimidated her by giving life threat. Thereby the accused No.1 to 4 have committed the alleged offences.

3. On the basis of the first information given by C.W.1

Nyamathi Police have registered a case against the accused persons in Crime No.35/2020 and registered the FIR for the offences punishable U/Secs. 323, 324, 354(B), 504, 506 R/w 34 of Indian Penal Code. After investigation, the IO has submitted the Charge Sheet against the accused No.1 to 4 for the offences punishable U/Secs. 323, 324, 354(B), 504, 506 R/w 34 of Indian Penal Code.

4. After receipt of charge-sheet, this court took cognizance for the aforesaid offences. In response to the service of summons, accused No.1 to 4 appeared before the Court through their counsel and this court released them on bail. Thereafter, acting under Section 207 of Cr.P.C. all the copies of prosecution papers were furnished to the accused No.1 to 4. On perusal of the charge sheet materials there are sufficient materials to frame charge against the accused No.1 to 4 and same was read over, explained to them. The accused No.1 to 4 pleaded not guilty, but claims for trial.

5. The prosecution in order to prove its case got examined 8 witnesses as PW-1 to 8 and produced 13 documents which have been marked as Ex.P.1 to 13. Since, there was incriminating evidence, hence examination of the accused persons under section 313 of Cr.P.C has been recorded, wherein they have denied the prosecution case in toto and opted not to adduce any defence evidence.

6. Heard arguments on both side.

7. On the basis of the above said facts, the following

points arise for my consideration:-

1. Whether the prosecution proves beyond all reasonable doubt that on 13-11-2019 around 10.30 a.m. within jurisdiction of Nyamathi Police station at Chiluru village, the accused No.1 to 4 in furtherance of common intention abused CW-1 in filthy language so as to break the public peace or to commit any other offence and thereby accused No.1 to 4 have committed an offence punishable U/Sec.504 R/w 34 of Indian Penal Code?
2. Whether the prosecution further proves beyond all reasonable doubt that, on the above said date, time and place the accused No.1 to 4 in furtherance of common intention assaulted CW-1 with their hands and caused simple injuries. Thereby the accused No.1 to 4 have committed an offence punishable under Section 323 R/w 34 of Indian Penal Code?
3. Whether the prosecution further proves beyond all reasonable doubt that, on the above said date, time and place the accused No.1 to 4 in furtherance of common intention among them accused

No.1 assaulted CW-1 with brick, accused No.2 assaulted CW-1 with spade and caused simple injuries. Thereby the accused No.1 to 4 have committed an offence punishable under Section 324 R/w 34 of Indian Penal Code?

4. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, the accused No.1 to 4 in furtherance of common intention among them accused No.1 and 2 dragged the saree of CW.1 with intend to outrage her modesty. Thereby accused No.1 to 4 have committed an offence punishable U/Sec.354(B) of Indian Penal Code?
5. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, accused No.1 to 4 in furtherance of common intention criminally intimidated CW.1 by threatening to her life, so as to cause alarm in her mind and thereby accused No.1 to 4 have committed an offence punishable U/Sec.506 R/w 34 of Indian Penal Code ?

6. What order?

8. My findings on the above said points are as under:

Point No.1 to 5 : In the Negative.

Point No.6 : As per the final order
for the following:

:: R E A S O N S ::

9. POINT Nos.1 to 5 :- All these points are inter connected with each other, hence they are taken up together for common discussion in order to avoid the repetition.

10. It is well settled that in a criminal case, the entire burden of proof lies on the prosecution. The accused need prove nothing. Suffice for the accused to create doubt about the admissibility of the evidence of the prosecution witnesses. With this perception, I proceed to discuss the evidence made available on record by the prosecution.

11. In the present case on hand, the prosecution examined injured/complainant CW-1 as PW-1. Wherein she deposed in supportive prosecution case with regard to the alleged offences. It is pertinent to note that, PW-1 admitted during her cross examination that there is a civil dispute between her and the accused persons and even a suit pending before the court. Further she has also admitted that the alleged spot is their joint family property.

12. According to the complainant and prosecution case is that, the alleged offences is occurred on 13-11-2019 but the

complaint as per Ex.P1 is given on 16-03-2020 i.e. after 4 months of the alleged offences. The reasons for these long delay in lodging the complainant is not explained by the complainant in her evidence. It can be presume that one week or 10 days delay in lodging the complaint is genuine in order to solve the dispute in their panchayath level but the extreme delay in lodging the complaint is creates a suspicious with regard to the alleged offences.

13. The prosecution has examined husband of the complainant CW-2 as PW-2 wherein he supported prosecution case with regard to the commission of alleged offences but it is pertinent to note that he is neither a direct witness nor mahazar witness but only an hearsay witness thereby his evidence is not sufficient to prove the alleged offences.

14. The prosecution cited CW-3 and 4 has alleged to be direct witnesses. They have been examined as PW-3 and 4. Wherein, PW-3 deposed that, accused No.3 and 4 were pulling the CW-1 and with regard to that he given statement to the police. Further, during his cross examination, he denied the suggestions of the learned APP with regard to the assault on CW-1 with MO-1 and 2 and also denied the dragging the saree of CW-1 by the accused No.2. Thereby , he partly denied the prosecution case.

15. According to the prosecution case, accused No.1 and 2 were dragged the saree of the CW-1 but the direct witness PW-3 deposed that, accused No.2 and 3 were dragged the saree of

the CW-1. Thereby, the evidence of the direct witness PW-3 is not corroborated with the prosecution case.

16. Another direct witness PW-4 deposed that, there was a oral fight between the accused persons by CW-1 and 2 and further the witness deposed the date and names of the accused persons by looking at his hand wherein he wrote the date and names of the accused persons on his hand. Thereby the evidence of the PW-4 is not trust worthy.

17. Prosecution has examined mahazar witnesses CW-5 and 6 as PW-5 and 6. Wherein, both the witnesses have admitted during their cross examination that, they don't know the contents of the panchanama and don't know who prepare the sketch. Thereby, both the witnesses shows their ignorance towards panchanama and sketch. Thereby the prosecution failed to prove the panchanama.

18. CW-7 doctor has been examined as PW-8. Whereas, PW-8 deposed with regard to the issuing of wound certificate and treatment and admitted during their cross examination that, it is possible to occur the wounds shown in the wound certificate if the person fell down on rough surface.

19. The IO witness CW-10 examined as PW-7, whereas the witness deposed with regard to the receiving of complaint and other investigation aspects and denied the formal suggestions putforth by the defence counsel.

20. On assessing the entire evidence, all the prosecution

witnesses deposed contrary to each other and no corroboration among them.

21 Thus, the evidence made available by the prosecution falls short of legal evidence to establish the accusations or charges leveled against the accused No.1 to 4. Thus, under the above circumstances, this court is of the firm opinion that the prosecution has failed to bring home the guilt of accused No.1 to 4 beyond all reasonable doubt. Hence, this court is of the firm opinion that, this is a fit case wherein benefit of doubt can be given to the accused No.1 to 4. Hence, I answered the Point No.1 to 5 in the Negative.

22. POINT No.6 :- In view of my discussion on the aforesaid points, I proceed to pass the following:

:O R D E R:

Acting under Section 248(1) of Cr.P.C., the accused No.1 to 4 are hereby acquitted for the offences punishable U/S 323, 324, 354(B), 504, 506 R/w. Sec.34 of IPC.

Bail bonds executed by accused No.1 to 4 and their surety will be inforce for a period of 6 months as per sec.437(A) of Cr.P.C.

MO-2 is ordered to be confiscate to the state as worth and MO-1 and

3 are ordered to be destroy as worthless after the expiry of appeal period.

(Dictated to the stenographer in the computer, typed by her, corrected by me and then pronounced in the open Court today 16th day of July 2026)

(Punyakoti S N)
Addl. Civil Judge and JMFC.,
Honnali.

ANNEXURE.

1. Witnesses examined on behalf of the prosecution:

PW.1 : Latha
PW.2 : Jagadeesh
PW.3 : Vijay Kumar
PW.4 : Chandrappa
PW.5 : Shanmukhappa
PW.6 : Ravikumar
PW.7 : Devaraj T G
PW.8 : Dr. T D Meenakumari.

2. Documents exhibited on behalf of the prosecution:

Ex.P.1 : Complaint
Ex.P.1(a,b) : Signature of PW-1,7
Ex.P.2 : Spot Mahazar
Ex.P.2(a-d) : Signature of PW-1,5,6,7
Ex.P.3 : Rough Sketch

- Ex.P.3(a-d) : Signature of PW-1,5,6,7
Ex.P.4-6 : Photos
Ex.P.7 : CD
Ex.P.8 : 164 Statement
Ex.P.8(a) : Signature of PW-7
Ex.P.9 : Statement of PW-5
Ex.P.10 : Wound certificate
Ex.P.10(a,b) : Signature of PW-7,8
Ex.P.11 : C.C. of DCB register extract
Ex.P.11(a) : Signature of PW-7
Ex.P.12 : Certificate of Sec.65(B)
Ex.P.12(a) : Signature of PW-7
Ex.P.13 : FIR
Ex.P.13(a) : Signature of PW-7.

3. Witnesses examined on behalf of the defence: --NIL--

4. Documents exhibited on behalf of the defence: --NIL--

5. Material Objects Marked:

MO-1 : Brick

MO-2 : Spade

MO-3 : Saree.

(Punyakoti S N)
Addl. Civil Judge and JMFC.,
Honnali.

