

KADG520014632017



Presented on : 28-11-2017
Registered on : 28-11-2017
Decided on : 06-06-2026
Duration : 8 years, 6 months, 8 days

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

Dated this the 06th Day of June 2026

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

CRIMINAL CASE NO. 791/2017

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

//Versus//

ACCUSED: 1. Rajappa D G
S/o Late Basappa
Aged 55 Years

2. Karibasappa D E
S/o Late Eshwarappa
Aged 39 Years

Both are R/o Dodderi village,
Honnali Taluk,
Davanagere Dist.

(Rep.By Sri.GMT Advocate,)

1. Date of commission of the offence: 13-03-2017

2. Date of report of the offence : 13-03-2017
3. Arrest of the Accused : --
4. Name of the complainant : Smt. Vinutha
5. Date of the commencement of the recording the evidence : 18-07-2023
6. Date of the closing the evidence : 04-05-2026
7. Offence complained of : U/s. 448,323, 354(B)
504, 506 R/w 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 PSI of Nyamathi Police Station against the accused No.1 and 2 for the commission of an offences punishable U/s. 448, 323, 354(B) 504, 506 R/w 34 of IPC.

2. The factual matrix of the prosecution case in brief are as follows:- That on 13-03-2017 around 9.30 a.m. within jurisdiction of Nyamathi Police station at Marigondanahalli village, accused No.1 and 2 in furtherance of common intention criminally trespassed into the house of CW-4, abused CW-1 and 4 in filthy language and assaulted them with their hands and legs and caused simple injuries and dragged the hair and torned the cloths of CW-1 with intend to outrage her modesty and criminally intimidated them by giving life threat. Thereby the accused No.1 and 2 have committed the alleged offences.

3. On the basis of statement given by C.W.1-Informant, Nyamathi Police have registered a case in Crime No.40/2017

and registered the FIR for the offences punishable U/Secs. 448, 323, 504, 354(B), 506 R/w 34 of Indian Penal Code. After completion of investigation, the IO has submitted the Charge Sheet against the accused No.1 and 2 for the offences punishable U/Secs. 448, 323, 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 and 2 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 and 2. On perusal of the charge sheet materials there are sufficient materials to frame charge against the accused No.1 and 2 and same was read over, explained to them. The accused No.1 and 2 pleaded not guilty, but claims for trial.

5. The prosecution in order to prove its case got examined 7 witnesses as PW-1 to 7 and produced 12 documents which have been marked as Ex.P.1 to 12. Since, there was incriminating evidence, hence examination of the accused No.1 and 2 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 sides.

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 13-03-2017 around 9.30 a.m. within jurisdiction of Nyamathi Police station at Marigondanahalli village, accused No.1 and 2 in furtherance of common intention criminally trespassed into the house of CW-4. Thereby the accused No.1 and 2 have committed an offence punishable U/s 448 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 and 2 abused CW-1 and 4 in filthy language. Thereby the accused No.1 and 2 have committed an offence punishable U/s 504 of I.P.C.?
3. Whether the prosecution further proves beyond all reasonable doubt that, on the above said date, time and place the accused assaulted CW-1 and 4 with their hands and slapped to CW-1 and caused simple injuries. Thereby the accused No.1 and 2 have committed an offence punishable under Section 323 of IPC?
4. Whether the prosecution proves beyond all reasonable doubt that, on the above

said date, time and place, the accused No.1 and 2 dragged the hair and torned cloths of CW.1 with intend to outrage her modesty. Thereby accused No.1 and 2 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 criminally intimidated CW-1 by threatening to her life, so as to cause alarm in her mind. Thereby accused No.1 and 2 have committed an offence punishable U/Sec.506 of Indian Penal Code?

6. What order?

8. My findings on the above said 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	: In the Negative.
Point No.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 of facts.

10. In order to prove the case of the prosecution, the prosecution has examined PW.1 to 7. PW-1 is the Mahazar witness, PW-2 and 3 are the eye witnesses, PW-6 is the other witness, PW-4,5,7 IO witnesses.

11. According to the prosecution case CW-1 and 4 are the victims alleged to be subjected to the assault. It is pertinent to note that, even repeated issuance witness warrants, prosecution failed to secure both the witnesses to record their evidence in order to prove the guilt against the accused persons. Thereby both the victims are not examined as prosecution witnesses, thereby the case of the prosecution in proving the alleged offences against the accused persons is not succeeded.

12. CW-2 alleged to be mahazar witness examined as PW-1 wherein he deposed with regard to the mahazar and seizure of MO-1 and denied the suggestions putforth by the defence counsel during his cross-examination.

13. It is pertinent to note that IO witnesses CW-6 and 7 have been examined as PW-3 and 2, wherein both the witnesses not supported the prosecution case. Further he deposed that, they have not seen the alleged offences. Further PW-2 admitted during his cross-examination that, there was rivalry between CW-4 and the accuse persons pertaining to the financial matter. As such even the direct witnesses have turned to the prosecution case. Thereby though the IO witnesses deposed in

supportive of prosecution case with regard to the receiving the complaint, registering the FIR and other investigation aspects, the prosecution case falls down as the victims have not deposed evidence with regard to the alleged offences.

14. On perusal of the evidence of prosecution witnesses, it is clear that though the IO witnesses deposed evidence in supportive of prosecution case but they failed to secure the victims to lead their evidence to corroborate the prosecution case. Thereby the prosecution has not proved the story put forth in the first information statement and also in the charge sheet. In the absence of corroborative evidence, the exhibited documents are not sufficient to prove the guilt against the accused persons for which they have been charge sheeted. Hence, the entire case of the prosecution is falls down in proving the guilt against the accused No.1 and 2 beyond all reasonable doubt. Hence the accused No.1 and 2 are entitled for acquittal. Accordingly, I answer Points No.1 to 5 in the 'NEGATIVE'.

15. 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 and 2 are hereby acquitted for the offences punishable U/S 448, 323, 504, 354(B), 506 R/w 34 of IPC.

Bail bonds executed by accused No.1 and 2 and their surety will be in force for a period of 6 months as per sec.437(A) of Cr.P.C.

The MO-1 is ordered to be destroyed as worthless after the expiry of appeal period.

(Dictated to the stenographer on computer, typed by her, corrected by me and then pronounced in the open Court today 06th day of June 2026).

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

ANNEXURE.

1. Witnesses examined on behalf of the prosecution:

PW.1 : Hanumanthappa
PW.2 : Shivu
PW.3 : Shobha
PW.4 : Thippeswamy T N
PW.5 : Karibasappa M C
PW.6 : Dr. Yogish K
PW.7 : Shivanandappa.

2. Documents exhibited on behalf of the prosecution:

Ex.P.1 : Spot mahazar
Ex.P.1(a,b) : Signature of PW-1,7
Ex.P.2 : Rough sketch

Ex.P.2(a,b)	: Signature of PW-1,7
Ex.P.3&4	: Photos
Ex.P.5	: CD
Ex.P.6	: Statement of PW-3
Ex.P.7	: C.C. of Katha Extract
Ex.P.7(a)	: Signature of PW-4
Ex.P.8	: Wound certificate
Ex.P.8(a,b)	: Signature of PW-4,6
Ex.P.9	: Wound certificate
Ex.P.9(a,b)	: Signature of PW-4,6
Ex.P.10	: 164 Statement
Ex.P.11	: Complaint
Ex.P.11(a)	: Signature of PW-5
Ex.P.12	: FIR
Ex.P.12(a)	: Signature of PW-5

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

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

5. Material Objects Marked:

MO.No.1 : Chudidar.

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