

KADG520018982020



Presented on : 28-09-2020
Registered on : 28-09-2020
Decided on : 09-07-2026
Duration : 5 years, 9 months, 11 days

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

Dated this the 09th Day of July 2026

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

CRIMINAL CASE No.1527/2020

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

//Versus//

ACCUSED: 1. Vijayendra @ S Vijay
S/o Virupakshappa
Aged 34 Years

2. Virupakshappa
S/o Channaveerappa
Aged 65 Years

Both are R/o Devikoppa street,
Surahonne village,
Nyamathi Taluk,
Davanagere Dist.

(By Sri.GSK Advocate,)

1.	Date of commencement of offence.	09-04-2020
2.	Date of report of offence	10-04-2020
3.	Arrest of the Accused	-
4.	Name of the Informant	Vinay
5.	Date of commencement of recording evidence	23-11-2024
6.	Date of closing of evidence	12-06-2026
7.	Offences complained of	U/s. 323, 324, 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 and 2 for the commission of an offences punishable U/s. 323, 324, 504, 506 R/w. Sec.34 of IPC.

2. The factual matrix of the prosecution case in brief are as follows:- That on 09-04-2020 around 7.30 p.m. within jurisdiction of Nyamathi Police station at Surahonne village, the accused No.1 and 2 in furtherance of common intention among them accused No.2 abused CW-1, accused No.1 abused CW-2 in filthy language, accused No.2 assaulted the CW.1 with his hands and legs, accused No.1 assaulted CW-1 with sickle due to which caused simple injuries and criminally intimidated the CW-1 and 2 by giving life threat. Thereby the accused No.1 and 2 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.42/2020 and registered the FIR for the offences punishable U/Secs. 323, 324, 504, 506 R/w 34 of Indian Penal Code. It is stated that the Police took up the investigation and after completion of investigation, the Police have submitted the Charge Sheet against the present accused No.1 and 2 for the offences punishable U/Secs. 323, 324, 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 12 witnesses as PW-1 to 12 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 09-04-2020 around 7.30 p.m. within jurisdiction of Nyamathi Police station at Surahonne village, the accused No.1 and 2 in furtherance of common intention among them accused No.2 abused CW-1, accused No.1 abused CW-2 in filthy language so as to break the public peace or to commit any other offence and thereby accused No.1 and 2 has 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 and 2 in furtherance of common intention among them accused No.2 assaulted CW-1 with his hands and legs and caused simple injuries. Thereby the accused No.1 and 2 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 and 2 in furtherance of common intention among them accused No.1 assaulted CW-1 with sickle and caused simple injuries. Thereby the accused No.1 and 2 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, accused No.1 and 2 in furtherance of common intention and criminally intimidated CW.1 and 4 by threatening to their life, so as to cause alarm in their minds and thereby accused No.1 and 2 have committed an offence punishable U/Sec.506 R/w 34 of Indian Penal Code ?

5. What order?

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

Point No.1 to 4 : In the Negative.

Point No.5 : As per the final order
for the following:

:: R E A S O N S ::

9. POINT Nos.1 to 4 :- 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, PW 1 to 3 have supported the prosecution case by deposing with regard to the alleged offences, giving of the complaint and with respect to mahazar. But it is pertinent to note that, PW.1 and 3 are the sons of the PW.2, thereby all of them are relatives by blood. During the cross examination of the PW.1, he admitted that the age of the accused no.2 is 65 to 70 years and his age is 30 years. He given complaint that, the accuse no.2 who is aged about about 70 years assaulted by hands to his stomach who is aged about 30 years old. When an aged person assaulted a young person then why can't the young person PW.1 can assault accused no.2 who is aged about 65-70 years old.

12. Further, PW 1 to 3 have admitted that there is a dispute between them and the accused persons with regard to the alleged spot of offences. Further, in the complaint it is averred that the alleged offences are occurred due to the putting of maize heap by Kalera Gangaraju in the alleged spot. Further, it is pertinent note that the IO has not made the said

Kalera Gangaraju has witness in the charge sheet. There by the important witness who is the person reasons for the alleged offences is not examined by the prosecution.

13. Further, IO has sited CW 4 and 5 has eye witnesses wherein they have examined as PW 4 and 5. Wherein PW 4 deposed that he went to alleged spot after the occurrence of alleged offences and there after deposed that accused No.1 and 2 were assaulted as CW 1. During his cross examination, the witness admitted that CW 1 and 3 are the sons his brother. Thereby the PW 4 also is an interested witness. Further, he also admitted that there is a rivalry between the accused persons and the CW 1 to 3.

14. PW 5 deposed that he went to the alleged spot after hearing the sound. During his cross examination the witness admitted that he has not seen the alleged offences. Thereby the direct witness denied the prosecution case with regard to the alleged offences. Further he also admitted that he came to the court to deposed evidence along with CW 1 and 4. thereby it is clear that even the CW 4 and 5 are also an interested witnesses and deposed infavor of the complainant.

15. With regard to prove the seizure of material object, prosecution examined mahazar witnesses CW7 to 9 as PW.8,10 and 7 respectively. Among them, PW8 supported the prosecution case by deposing with regard to the mahazar. But during his cross examination, the witness admitted that, CW.2

is his sister, CW1 and 3 are his sister's sons. Thereby, it is evident that the witness is the interested witness in favor of the complainant.

16. Other mahazar witnesses PW.7 and 10 have denied the prosecution case with regard to seizure of the alleged weapon by deposing that, during their presence, police have not conducted the panchanama and not seized any material objects. Thereby, the seizure of the alleged weapon is not proved by the prosecution.

17. PW.6 alleged to be direct witness turned hostile to the prosecution case by deposing that, he does not seen any alleged offences and with regard to that he has not given any statement to the police.

18. On perusal of over all evidence, it evident that all the contested witnesses are relatives by blood, thereby they supported the prosecution case. Further they deposed contrary to each other.

19. 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 and 2. 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 and 2 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 and 2. Hence, I answered the Point No.1 to 4 in the Negative.

20. POINT No.5 :- 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 323, 324, 504, 506 R/w. Sec.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.

(Dictated to the stenographer in the computer, typed by her, corrected by me and then pronounced in the open Court today 09th day of July 2026)

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

ANNEXURE.

1. Witnesses examined on behalf of the prosecution:

PW.1 : Vinay
PW.2 : Girijamma
PW.3 : Naveen
PW.4 : Maheshwarappa
PW.5 : Sureshappa
PW.6 : Gangadhara

PW.7 : Prabhu
PW.8 : Siddesha
PW.9 : Dr. Shivakumar Naik
PW.10 : Umamahesh
PW.11 : Devaraja T G
PW.12 : S Lokeshappa

2. Documents exhibited on behalf of the prosecution:

Ex.P.1 : Statement/Complaint
Ex.P.1(a-c) : Signature of PW-1,11,12
Ex.P.2 : Spot Mahazar
Ex.P.2(a-d) : Signature of PW-1,4,8,12
Ex.P.3 : Rough Sketch
Ex.P.3(a-d) : Signature of PW-1,4,8,12
Ex.P.4 : Photo
Ex.P.5 : CD
Ex.P.6 : Statement of Ex.P6
Ex.P.7 : Seizure pachanama
Ex.P.7(a-c) : Signature of PW-7,10,12
Ex.P.7 : Statement of PW-3
Ex.P.8 : Photo

Ex.P.9 : Medicolegal certificate
Ex.P.10 : Wound Certificate
Ex.P.10(a) : Signature of PW-12
Ex.P.11 : FIR
Ex.P.11(a) : Signature of PW-12
Ex.P.12 : Rough Sketch
Ex.P.12(a) : Signature of PW-12
Ex.P.13 : Certificate of Sec.65(B)
Ex.P.13(a) : Signature of PW-12.

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

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

5. Material Objects Marked:

M.O1 : Sickle.

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