

KADG520028662021



Presented on : 06-12-2021
Registered on : 06-12-2021
Decided on : 15-04-2026
Duration : 4 years, 4 months, 9 days

IN THE COURT OF THE PRL.CIVIL JUDGE AND JMFC.,
AT HONNALI.

Dated : 15th day of April, 2026

Present:

Sri.Devadas H., B.A., LL.B.

Prl.Civil Judge and JMFC.,

Honnali.

C.C.No.1588/2021

COMPLAINANT : Honnali Police Station
(Rep. By APP)

V/S

ACCUSED : 1. Nagaraja M.H. S/o Maheshappa
Aged about 35 Years.

2. Harisha M.H. S/o Maheshappa
Aged about 28 Years

Both are R/o: Hole Haralahalli Village
Honnali Taluk, Davanagere District.

(Rep.By Sri.YJR., Advocate)

1. Date of commission of the offence : 05.02.2021
2. Date of report of the offence : 06.02.2021
3. Arrest of the Accused : --
 - a)Date of arrest of the accused : --
 - b)Date of release on bail : --
 - c)The period undergone in custody : --
4. Name of the complainant : Parameshwarappa N.H.
5. Date of the commencement of the recording the evidence : 13.12.2024
6. Date of the closing the evidence : 08.01.2026
7. Offence complained of : U/s.323, 324, 504 & 506 R/w. Sec.34 of IPC.
8. Opinion of the Judge : Accused persons found not guilty.

* * * * *

: J U D G M E N T :

The Head Constable of Honnali Police station has submitted the final report against the accused persons for the alleged offences punishable under Section 323, 324, 504 and 506 R/w. Section 34 of Indian Penal Code.

2. It is the case of the prosecution that on 05.02.2021 around 5.00 P.M., at Haralahalli Village within the jurisdictional limits of Honnali Police station, the accused persons in furtherance of common intention have picked up quarrel with CW1, CW4 and CW5 and abused them in filthy language and accused No.1 has assaulted to CW1 with sickle and accused

No.2 has assaulted to CW4 and CW5 with stick on their body and also assaulted to them with hands, legs due to which caused simple injuries and criminally intimidated to them. Thereby the accused persons have committed the alleged offences.

3. CW1 was given the alleged information to the police and on the basis of the information given by the CW1, the police have registered a case in Crime No.42/2021 and registered the First Information Report for the alleged offences punishable under Section 447, 323, 324, 504 and 506 R/w Section 34 of Indian Penal code and same has been forwarded to this Court. Thereafter, the investigating officer has conducted the investigation and after completion of the investigation submitted the final report before this Court against the accused persons for the alleged offences punishable under Section 323, 324, 504 and 506 R/w. Section 34 of Indian Penal Code.

4. After receipt of charge-sheet, this Court took cognizance for the aforesaid alleged offences. In response to the service of summons, accused persons have appeared before the Court through their learned counsel and released on bail. Thereafter, acting under Section 207 of Cr.P.C., all the copies of prosecution papers was furnished to the learned counsel for the accused persons. On perusal of the charge sheet materials there are sufficient materials to frame charge against the accused persons. Hence, this Court learned predecessor in office has framed the charge and same was read over, explained to them. The accused persons pleaded not guilty, but claims for trial.

5. The prosecution in order to prove its case got examined 10 witnesses as PW1 to 10 and produced 28 documents which have been marked as Ex.P1 to Ex.P28 and also identified the material objects as MO.1 and 2. Since, there was incriminating evidence, hence accused persons were examined under section 313 of Cr.P.C., and their statements have 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 determination of this Court:-

1. Whether the prosecution proves beyond all reasonable doubt that on 05.02.2021 around 5.00 P.M., at Haralahalli within the jurisdictional limits of Honnali Police station the accused persons in furtherance of common intention have picked up quarrel with CW1, CW4 and CW5 and the accused persons have abused them in filthy language and intentional insulted to them with intent to provoke breach of the peace. Thereby accused persons 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 persons in furtherance of common intention have picked up quarrel with CW1, CW4 and CW5 and the accused persons have assaulted to them with hands due to which caused simple injuries. Thereby the accused persons have committed an offence punishable under Section 323 R/w 34 of IPC?

3. Whether the prosecution further proves beyond all reasonable doubt that, on the above said date, time and place the accused persons in furtherance of common intention have picked up quarrel with CW1, CW4 and CW5 and the accused No.1 has assaulted to CW1 with sickle and the accused No.2 has assaulted to CW4 and CW5 with stick due to which caused simple injuries. Thereby the accused persons have committed an offence punishable under Section 324 R/w 34 of IPC?

4. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, the accused persons in furtherance of common intention have picked up quarrel with CW1, CW4 and CW5 and the accused persons have criminal intimidated to them by threatened to their lives, so as to cause alarm in their mind to take away their lives. Thereby accused persons have committed an offence

punishable U/Sec.506 R/w 34 of Indian Penal Code ?

5. What order?

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

Point No.1 to 4 : In the Affirmative

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

:: R E A S O N S ::

9. POINT Nos.1 to 4 :- These points are inter connected to with each other, hence which 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 persons need prove nothing. Suffice for the accused persons to create doubt about the admissibility of the evidence of the prosecution witnesses. With this perception, this Court has proceed to discuss the evidence made available on record by the prosecution.

11. The prosecution in order to prove its case got examined the complainant as PW1. He has testified that the accused persons have picked quarrel with him and CW5 and CW8 and the accused No.2 has assaulted to him with sickle and the accused No.1 has assaulted to CW5 and CW8 with stick and

hands and the accused persons have threatened them to take away their lives and by that time CW4, CW6 and CW7 have come and pacified the quarrel and then he and CW5 are admitted in Government Hospital, Honnali as in patient and took treatment and on 06.02.2021 he has given the complaint to the police. Further testified that, on 07.02.2021 the police have visited the place of occurrence and conducted the spot mahazar as shown by CW1 in the presence of CW2 and CW3 and prepared the rough sketch and captured the photos and seized the sickle and stick. Further testified that, the accused persons have abused him in filthy language. The complaint which is marked as Ex.P1 and wherein his signature marked as Ex.P1(a), spot mahazar which is marked as Ex.P2 and wherein his signature marked as Ex.P2(a), rough sketch which is marked as Ex.P3 and wherein his signature marked as Ex.P3(a), the photos which are marked as Ex.P4 and Ex.P5 and CD which is marked as Ex.P6, the treatment receipt which is marked as Ex.P7, the OP chit which is marked as Ex.P8, CT scan report which is marked as Ex.P9, CT X-ray report which is marked as Ex.P10, CD which is marked as Ex.P11, treatment report given by McGann Hospital, Shivamogga which is marked as Ex.P12, OP chit which is marked as Ex.P13, CT Scan report which is marked as Ex.P14, CT scan X-ray report which is marked as Ex.P15 and Ex.P16, CD which is marked as Ex.P17 and also identified the MO.1 and 2 as stick and sickle as well as accused persons before this Court. During the course of cross-examination denied and admitted the suggestions made by the learned counsel for the accused

persons and nothing has been elicited from his mouth in order to disprove the prosecution case.

12. The prosecution got examined spot mahazar witnesses as PW2 and PW3. They have testified that, about 3 years ago they have made signatures on the documents upon the request of the police officials and they did not know the contents of the said documents and the police have not conducted the spot mahazar and not prepared rough sketch and not seized MO.1 and 2 in their presence and identified their depict in the photos, but they did not know for what purpose the police have captured. The police notice which is marked as Ex.P18 and wherein their signatures marked as Ex.P18(a) and 8(b), the spot mahazar which is marked as Ex.P2 and wherein their signatures marked as Ex.P2(b) and 2(c), the rough sketch which is marked as Ex.P3 and wherein their signatures marked as Ex.P3(b) and (c), the photos which are marked as Ex.P4 and Ex.P5 and they did not given any statement to the police. The prosecution treated them as hostile and during their cross-examination denied the suggestions made by the learned APP and nothing have been elicited from their mouth in order to prove the prosecution.

13. The prosecution got examined eye witnesses as PW4 to PW6. They have testified that, upon the request of police officials they have made signatures on documents without knowing the contents of the said documents and in this regard

they have not given any statements to the police and they did not see the MO.1 and MO.2. The bond which is marked as Ex.P21 and Ex.P24 and wherein their signature marked as Ex.P21(a) and Ex.P24(a). The learned APP treated them as hostile and during their cross-examination denied the suggestions made by the learned APP and nothing has been elicited from their mouth in order to prove the prosecution case.

14. The prosecution got examined victims as PW7 and PW8. They have testified that, the accused persons have quarrel with them and CW1 and the accused No.1 has assaulted to them with stick due to which they have sustained injuries and threatened them to take away their lives and CW5 has taken treatment at hospital and the CW8 did not take treatment at hospital. Further testified that CW1 came to pacify the quarrel and by that time the accused No.2 has assaulted to CW1 with sickle due to which CW1 was sustained injuries and took treatment at hospital and in this regard they have given the statement to the police. The learned APP treated them as partly hostile and during the course of cross-examination they have admitted the suggestions made by the learned APP and nothing has been elicited from their mouth in order to prove the prosecution case. During the course of cross-examination denied and admitted the suggestions made by the learned counsel for the accused and nothing has been elicited from their mouth in order to disprove the prosecution case.

15. The prosecution got examined doctor as PW9. He has testified that, on 05.02.2021 around 5.30 p.m., CW1 and CW5 have come to Honnali Government hospital on the history of assault and after examination he found that CW1 and CW5 have sustained the simple injuries. In this regard he has given wound certificates. He has opined that, if any person assaulted with MO.1 and 2 and then there is possibility to cause the injuries as mentioned in the wound certificates. The wound certificates pertain to CW1 and CW5 which are marked as Ex.P26 and Ex.P27 and wherein his signature marked as Ex.P26(a) and Ex.P27(a), CT scan pertain to CW1 which is marked as Ex.P10 and X-Ray pertain to CW5 which is marked as Ex.P15. During the course of cross-examination denied and admitted the suggestions made by the learned counsel for the accused persons and also admitted that if any persons themselves fell down on the stone or hard place then there is possibility to cause the injuries as mentioned in Ex.P26 and Ex.P27 and nothing has been elicited from their mouth in order to disprove the prosecution case.

16. The prosecution got examined police official as PW10. He has testified that, on 06.02.2021 around 9.30 p.m., he had received the information from CW1 and based on the information registered the First Information Report and same has been forwarded to the Court as well as to his superior officer. Further testified that, on 07.02.2021 he has issued notice to the CW2 and CW3 and on the same day he has visited the place of

occurrence and conducted the spot mahazar in the presence of CW2 and CW3 as place of occurrence as shown by CW1 in between 5.00 to 6.00 p.m., and also prepared rough sketch and captured photos and seized M.O.1 and 2. Further testified that, on the same day he has mentioned the M.O.1 and 2 in PF and same has been reported before this Court. Further testified that, he has recorded the statement of CW2 to CW8 and also obtained the bond from them and the accused persons have voluntarily appeared before the police station and after completion of the arrest procedure got released them on bail. The complaint which is marked as Ex.P1 and wherein his signature marked as Ex.P1(b), the spot mahazar which is marked as Ex.P2 and wherein his signature marked as Ex.P2(d), the rough sketch which is marked as Ex.P3 and wherein his signature marked as Ex.P3(d), Photos which are marked as Ex.P4 and Ex.P5, the police notice given to CW2 and CW3 which is marked as Ex.P18 and wherein his signature marked as Ex.P18(c), the statement of CW2 and CW3 which are marked as Ex.P19 and Ex.P20 and wherein their signatures marked as Ex.P19(a) and 20(a), the bond pertain to CW4 which is marked as Ex.P21 and wherein his signature marked as Ex.P21(d), the statement of CW4 and CW7 which are marked as Ex.P22 and Ex.P23 and wherein his signature marked as Ex.P22(a) and Ex.P23(a), the bond pertain to CW8 which is marked as Ex.P24 and wherein his signature marked as Ex.P24(b), the statement of CW6 which is marked as Ex.P25 and wherein his signature marked as Ex.P25(a), wound certificates pertain to CW1 and CW5 which are marked as

Ex.P26 and Ex.P27 and wherein his signatures marked as Ex.P26(b) and Ex.P27(b) and FIR which is marked as Ex.P28 and wherein his signature marked as Ex.P28(a). During the course of cross-examination denied the suggestions made by the learned counsel for the accused persons and nothing has been elicited from his mouth in order to disprove the prosecution case.

17. During the course of argument, the learned Assistant Public Prosecutor vehemently argued that, the prosecution in order to prove its case examined PW1 to PW10 and got marked Ex.P1 to Ex.P28 and the PW1 to PW10 are the material witnesses and they have supported the prosecution case and the prosecution has successfully prove that the accused persons have committed the alleged offences by placing documentary evidence as well as oral evidence. Hence prays to convict the accused persons.

18. On the other hand, the learned counsel for the accused strongly argued that, PW1 is the complainant-cum-victim, PW7 and PW8 are the victims and they are none other than own brothers and they are interested witnesses. Hence their evidence is not sufficient to establish the prosecution case. Further PW2 and PW3 are the mahazar witnesses and PW4 to PW5 are the eye witnesses and they have turned hostile and they did not supported the prosecution case. Further PW9 is the doctor and PW10 is the police official and they have deposed their evidence in their official capacity. Hence, in their evidence there is major discrepancies and through them the prosecution

has failed to prove that the accused persons have committed the alleged offences and the oral as well as documentary evidence produced by the prosecution is not sufficient to prove the guilty against the accused person. Hence prays to acquit the accused persons.

19. On perusal of the oral evidence as well as documentary evidence, it is pertinent to note that, the prosecution examined the complainant as PW1. On perusal of the evidence of PW1 is the complainant-cum-victim and PW7 and PW8 are the victims and they are none other than own brothers and they are interested witnesses. Further PW2 and PW3 are the mahazar witnesses and PW4 to PW6 are the eye witnesses and material witnesses and they are turned hostile and they did not support the prosecution case. Further PW9 is the doctor and PW10 is the police official and in their evidence they have deposed what they have made in their official capacity. Further PW9 is the doctor and during his cross-examination stated that if any persons themselves are fell down on stone/hard place and then there may be possibility to cause the injuries as mentioned in the wound certificates. Hence his evidence is not helpful to the prosecution to prove its case.

20. Further PW1, PW7 and PW8 are the victims and in their evidence they have supported the prosecution case, but their evidence is not supported by the eye witnesses as PW4 to PW6 and the mahazar witnesses as PW2 and PW3 as who are

the independent witnesses and PW1, PW7 and PW8 they are own brothers and they are interested witnesses and non-corroboration of the material witnesses as PW2 to PW6, the evidence of PW1, PW7 and PW8 is not believable. Hence the evidence of PW1, PW7 and PW8 is not sufficient to the prosecution to prove its case.

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

22. POINT No.5 :- In view of discussion on the aforesaid points, this Court has proceed to pass the following:

: O R D E R :

Acting under Section 248(1) of Cr.P.C., the Accused persons are hereby acquitted for the offences punishable U/s 323, 324, 504 & 506 of Indian Penal Code.

Acting under section 437(A) of Cr.P.C. it is order that, the bail bonds executed by the

accused person shall be in force for a period of six (6) months.

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

MO.2 is ordered to be confiscated to the State as worth 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 the 15th day of April, 2026)

(Devadas H.)
Pri.Civil Judge and JMFC.,
Honnali.

ANNEXURE

1. Witnesses examined on behalf of the prosecution:

PW1 : Parameshwarappa
PW2 : Nagarajappa
PW3 : Rangappa
PW4 : Narasimhappa
PW5 : Manjappa
PW6 : Jagadesh
PW7 : Chandrappa
PW8 : Janardhana
PW9 : D.Sudheer Kumar H.C.
PW10 : Srinivasa M.R.

2. Documents exhibited on behalf of the prosecution:

Ex.P1 : Statement/complaint

- Ex.P1(a & b) : Signatures of PW1 & PW10
- Ex.P2 : Spot mahazar
- Ex.P2(a to d) : Signatures of PW1, PW2, PW3 & PW10
- Ex.P3 : Rough Sketch
- Ex.P3(a to d) : Signatures of PW1, PW2, PW3 & PW10
- Ex.P4 & 5 : Photos
- Ex.P6 : CD
- Ex.P7 : Receipt
- Ex.P8 : Out patient Record
- Ex.P9 : City Scan Report
- Ex.P10 : City Scan X-Ray
- Ex.P11 : CD
- Ex.P12 : Receipt
- Ex.P13 : OPD Record
- Ex.P14 : City Scan Report
- Ex.P15 & 16 : City Scan X-Ray
- Ex.P17 : CD
- Ex.P18 : Notice to Panchas
- Ex.P18(a to c) : Signature of PW2, PW3 & PW10
- Ex.P19 : Statement of PW2
- Ex.P19(a) : Signature of PW10
- Ex.P20 : Statement of PW3
- Ex.P20(a) : Signature of PW10
- Ex.P21 : Bond pertain to PW4
- Ex.P21(a & b) : Signatures of PW4 & PW10
- Ex.P22 : Statement of PW4
- Ex.P22(a) : Signature of PW10

- Ex.P23 : Statement of PW5
Ex.P23(a) : Signature of PW10
Ex.P24 : Bond pertain to PW6
Ex.P24(a & b) : Signatures of PW6 & PW10
Ex.P25 : Statement of PW6
Ex.P25(a) : Signature of PW10
Ex.P26 & 27 : Wound Certificates
Ex.P26(a & b) : Signatures of PW9 & PW10
& 27(a & b)
Ex.P28 : FIR
Ex.P28(a) : Signature of PW10

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

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

5. Material Object Marked:

- MO.1 : Club
MO.2 : Sickle.

(Devadas H.)
Prl.Civil Judge and JMFC.,
Honnali.

