

KAHS600006602020



Presented on : 07-10-2020  
Registered on : 07-10-2020  
Decided on : 29-06-2026  
Duration : 05 years, 08 months, 22 days

**IN THE COURT OF PRINCIPAL SENIOR CIVIL JUDGE  
& JMFC, CHANNARAYAPATNA**

PRESENT: **H.K.NAVEEN**  
L.L.B., L.L.M.,  
**PRINCIPAL SENIOR CIVIL JUDGE  
CHANNARAYAPATNA**

**Dated on this 29<sup>th</sup> day of June 2026**

**C.C./102/2020**

**Complainant** : State represented by  
PSI, Shravanabelagola police station,  
Shravanabelagola.

**(By APP.,)**

**-V/s-**

**Accused** : 1. Sri.Lakkegowda B.  
S/o late Nanjegowda,  
Aged about 63 years,  
  
2. Sri.Jayaramegowda B.N  
S/o late Nanjegowda,  
Aged about 54 years,  
Both are R/o No.15/A,  
Byadarahalli Village,  
Shravanabelagola Hobli,  
Channarayapatna Taluk.

**(By Sri.S.R.S., - Adv.,)**

1. Date of commission of offence : 17.01.2019
2. Date of report of offence : 17.01.2019
3. Arrest of the accused/  
appearance of the accused : 23.01.2019
4. Name of the Complainant : Nagaraju B.K
5. Date of Recording of evidence : 24.09.2024
6. Date of closing of evidence : 05.03.2026
7. Offence complained of : U/s. 504, 323, 324, 114,  
506 R/w Sec.34 of IPC
8. Opinion of the Judge : Convicted

### **JUDGMENT**

PSI of Channarayapatna police station has submitted a FIR against the accused persons. After investigation, the IO has submitted 'B' report. After evidence of the complainant and witnesses, court has rejected the 'B' report and taken cognizance against the accused No.1 and 2 for the offences punishable under Section 504, 323, 324, 114, 506 R/w Sec.34 of IPC.

#### **2) The brief facts of the complainant case as follows:**

That on 17.01.2019 at about 11.30 a.m the complainant was constructing a shed in his property. At that time one Lakkegowda has came and started video through his mobile. The complainant has questioned for that. The accused No.1 has picked up the quarrel and abused by using filthy words. The accused also assaulted on the complainant by sickle and he further assaulted on the complainant forehead by using

piece of roof and caused simple injuries. The accused No.2 also assaulted on the complainant by his hands on his chest and assaulted by fist on his teeth and caused pain. The accused No.1 abetted accused No.2 to kill the complainant. The accused persons have threatened the complainant. Thereby the accused No.1 and 2 committed the offence punishable under Sec. 504, 323, 324, 114, 506 R/w Sec.34 of IPC.

3) The police have submitted the FIR against the accused persons. After investigation, the police have submitted 'B' report. The complainant has filed protest memo against the 'B' report. The complainant and other 2 witnesses also examined. The court has rejected the 'B' report the cognizance taken against the accused persons and issued summons to the accused No.1 and 2.

4) After filing the charge sheet, cognizance taken for the offences punishable under section 504, 323, 324, 114, 506 R/w Sec.34 of IPC against the accused No.1 and 2. The accused No.1 and 2 appeared through their Advocate and released on bail. Copy of the prosecution papers furnished to the accused as per the provision of section 207 of Cr.P.C. Charge framed and read over to the accused No.1 and 2. The accused No.1 and 2 denied the charge and claims to be tried. To substantiate the prosecution case, the prosecution examined 2 witnesses as per PW-1 and PW-2 and marked 10 documents as per ExP.1 to ExP.10. After closure of the

evidence of the prosecution, the accused No.1 and 2 examined under section 313 of Cr.P.C. The accused have not chosen to lead any defence evidence.

5) Heard arguments of both sides.

6) The following points arise for consideration of this Court are;

1. *Whether the prosecution proves beyond all reasonable doubts that, on 17.01.2019 at about 11.30 a.m the complainant was constructing a shed in his property. At that time one Lakkegowda has came and started video from his mobile, the complainant has questioned for that, the accused No.1 has picked up the quarrel and abused by using filthy words. Thereby provoked the complainant to commit breach of public peace or tranquility or to commit any other offence, thereby the accused No.1 and 2 have committed the offence punishable under Sec.504 of IPC?*
2. *Whether the prosecution proves beyond all reasonable doubts that, on the above said date, time and place, the accused also assaulted on the complainant by sickle and he has further assaulted on the complainant forehead by using roofing tile, thereby the accused No.1 and 2 have committed the offence punishable under Sec.324 of IPC ?*
3. *Whether the prosecution proves beyond all reasonable doubts that, on the above said date, time and place, the accused No.2 also assaulted on the complainant by his hands on his chest and assaulted by fist on his teeth and caused pain, thereby the accused No.1 and 2 have committed the offence punishable under Sec.323 of IPC ?*

4. *Whether the prosecution proves beyond all reasonable doubts that, on the above said date, time and place, the accused No.1 abetted accused No.2 to kill the complainant, thereby the accused No.1 and 2 have committed the offence punishable under Sec.114 of IPC ?*
5. *Whether the prosecution proves beyond all reasonable doubts that, on the above said date, time and place, the accused persons have threatened the complainant, thereby the accused No.1 and 2 have committed the offence punishable under Sec.506 of IPC ?*
6. *What order ?*

7) My findings on the above points are as under:

Point No.1 : In Affirmative

Point No.2 : In Affirmative

Point No.3 : In Affirmative

Point No.4 : In Affirmative

Point No.5 : In Affirmative

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

### **REASONS**

8) **Points No.1 to 5:-** All the points are inter connected with each other. To avoid repetition of the facts, all points are taken together for common discussion.

9) The complainant by name B.K.Nagaraj has alleged that the accused persons have committed an offence punishable under Sec. 504, 323, 324, 114, 506 R/w Sec.34 of IPC. After rejecting the 'B' report submitted by the IO, the

court taken the cognizance against the accused persons and issued summons to accused persons. In support of the complainant case, the complainant himself examined as PW-1 and also examined one witness. Before taking the cognizance, the complainant himself examined as PW-1 and two other witnesses also examined. In support of the complainant case, the complainant has produced 3 documents at the time of sworn statement and 10 documents at the time of examination-in-chief. He has identified all the documents.

10) The accused have taken the defence that they have not committed any offence as alleged by the complainant. The incident taken place on 17.01.2019 and two FIR was registered in Cr.No.10/2019 and Cr.No.11/2019. This case is concocted to the counter case to the Cr.No.10/2019. The accused No.1 and 2 are the victim in the incident and they have not committed any offence. In order to ascertain the real facts, it is just and necessary to carefully scrutiny all the oral and documentary evidence of the complainant.

11) In support of the prosecution case, the complainant examined himself as PW-1. In his examination-in-chief he specifically deposed that on 17.01.2019 he was constructing a shed in his property and accused No.1 came and started abusing by using filthy words, the accused No.1 started assault by using sickle, but the complainant strongly resisted and thereafter the accused No.1 has assaulted by using roof tile on his forehead. His father came for pacify the quarrel and

the accused persons also kicked through legs and also assaulted on his mouth resulting he has lost the teeth. Thereafter one Ramakrishnegowda has shifted the injured persons to the hospital. He further deposed that he has given the statement to the police in the hospital and also identified that statement as ExP.1. He further deposed that he shown the spot to the police at the time of conducting panchanama. He has identified medical reports and photographs.

12) In the cross examination the Advocate for the accused specifically suggests that a civil case is pending in respect of the property in O.S.No.571/2013 and complainant has initiated false complaint against the accused persons in relation to civil case. It is also suggested that the accused persons themselves are the victim in the incident. The PW-1 has specifically denied the suggestion, but the PW-1 has specifically admits that a criminal case was registered against him in Cr.No.10/2019 and convicted in that case and appeal is pending. He further admits that another case is registered against him. In overall cross examination, it is specifically suggested about the case and counter case in the same incident and accused persons are the victim and not complainant. The PW-1 has admitted the counter case. The oral evidence of the PW-1 is clearly reveals that he is an injured person and he has taken the treatment in the hospital, the police have registered the case against the accused persons on the basis of statement given by the complainant. Therefore the oral testimony of PW-1 cannot be

rejected by reason of simple discrepancy. Therefore, the oral evidence of PW-1 is fully supported to his case.

13) In support of the complainant case, he has also examined one witness by name Ramakrishnegowda. He is an eyewitness. He deposed that on 17.01.2019 there was quarrel in between complainant and accused in relation to construction of the shed. He visited to spot and pacify the quarrel. He further deposed that, the complainant has sustained injury and there was a bleeding from his forehead and his mouth and accused No.1 assaulted on the PW-1. Thereafter he assist and shifted the injured person to hospital.

14) In the cross examination he admits that he did not know the reasons for quarrel. He further admits that he cannot say how many persons were present at the time of incident. It is suggested that the accused persons are sustained injuries in the incident and they have taken the treatment in the hospital and a separate case was registered against the complainant and same is convicted. PW-2 has not admitted the said suggestion and deposed his ignorance. The Advocate for the accused has specifically denied his presence in the incident spot and deposed falsely in favour of the complainant. All these suggestions are denied.

15) On perusal of the oral evidence of PW-2, he is an eyewitness and neighbor of the complainant. He has specifically identified the accused and deposed about the real

facts. The suggestions are not evidence. There is no grounds to reject the oral testimony of PW-2. He has fully supported the prosecution case and his evidence is corroborated to evidence of PW-1. Therefore, the evidence of PW-2 is trustworthy to believe.

16) In support of the oral testimony of the witnesses, the complainant has also produced copy of MLC Register which is marked as ExP.1 at the time of sworn statement. On perusal of ExP.1 copy of MLC Register, it is specifically mentioned about the date of the incident and injuries sustained by PW-1. Therefore, ExP.1 is supported to complainant case. The complainant has also produced first information statement and spot mahazar. The statement of PW-1 before the police is fully corroborated to oral evidence. ExP.2 is spot mahazar. Police have visited to the spot and draw the panchanama on 18.01.2019. PW-1 has identified his signature on the mahazar. The complainant also produced the CT-Scan report in respect of his mouth. These documents are marked as ExP.3 to ExP.10. These documents are specifically disclose about the nature of injury on his mouth. PW-1 has sustained injuries on his mouth. The medical documents produced by the complainant is reliable and trustworthy to believe. The documentary evidence produced by the complainant in respect of injury is fully corroborated to oral testimony of PW-1 and PW-2. Therefore, the evidence of PW-1 and PW-12 is supported by the medical evidence.

17) The Advocate for the accused vehemently argued that there is a counter case against the complainant in Cr.No.10/2019 and subsequently that case was registered in C.C.No.43/2019. The Advocate for the accused has produced copy of the judgment in Crl.Appeal.No.179/2022 of 4<sup>th</sup> Additional District and Sessions Judge Hassan sitting at Channarayapatna dated 01.02.2023. On perusal of the judgment, it is very clear that the complainant in this case is accused in C.C.No.43/2019 and he is acquitted by trial court. Subsequently the Lakkegowda preferred an appeal before the Sessions Court and Hon'ble Sessions Court has set aside the judgment in CC.No.43/2019 and convicted the accused for the offence punishable under Sec.504, 323, 324, 341 and 506 of IPC. The Hon'ble 4<sup>th</sup> Additional District and Sessions Judge has specifically observed about the case and counter case in respect of same incident took place on 17.01.2019.

18) The Advocate for the accused vehemently argued that the accused persons have not committed any offence and this case is registered only to counter to Cr.No.10/2019. Therefore the accused persons are entitled the benefits of doubt. The Advocate for the complainant also vehemently argued that the complainant is an injured person and he has sustained injuries in the incident and the accused persons committed alleged offences and that is sufficient oral and documentary evidence to prove the case.

19) On considering the overall oral and documentary evidence placed by the complainant, the PW-1 Nagaraj is injured person and he has sustained injuries in the incident and he has taken the treatment in the hospital. The medical evidence is clearly corroborated to the oral testimony of PW-1. The minor discrepancy in between the oral evidence of PW-1 is not ground to discard the overall evidence of the injured person. Therefore, there is no grounds to reject the oral evidence of injured person. More over the PW-2 is eyewitness who has supported the complainant case. Court cannot reject the evidence of injured person and eyewitness only on the ground of counter case.

20) The complainant has placed sufficient oral and documentary evidence to prove the ingredients of Sec.504, 323, 324, 114 and 506 R/w Sec.34 of IPC. The complainant also placed sufficient evidence to prove the guilt of the accused persons beyond all reasonable doubt. Therefore, my answer to **Point No.1 to 5 are in Affirmative.**

21) **Point No.6:-** In view of the above findings on point No.1 to 5, I proceed to pass the following:-

**ORDER**

***Acting under section 248(2) of Cr.P.C., the accused No.1 and 2 are convicted for the offence punishable under Sec.504, 323, 324, 114 and 506 of IPC.***

***Hear on sentence.***

(Dictated to the Stenographer, transcribed by her, corrected by me and then pronounced in the open court on this 29<sup>th</sup> day of June 2026)

**(H.K.NAVEEN)**

Prl. Senior Civil Judge and JMFC  
Channarayapatna.

Sri.MGS., Advocate for complainant present and submits that accused have already committed an offence punishable under Sec.504, 323, 324, 114 and 506 R/w Sec.34 of IPC. Therefore, punishment may be imposed and compensation may be awarded to the complainant.

Sri.S.G., Advocate for the accused persons present and submits that both accused persons are Government Officials and they are respectable persons in the society and incident happened in relation to civil case. Therefore, they may be released on Probation of Offenders Act or the court may impose minimum fine for the said offence.

Heard both side.

The court has convicted the accused for the offences punishable under Sec. 504, 323, 324, 114 and 506 R/w Sec.34 of IPC. The maximum punishment under Sec.324 of Cr.P.C., is upto 3 years or fine. The complainant and accused persons are relatives. On considering the gravity of the offence, the court opinion that it is not fit case to exercise discretion to release the accused persons under Probation of

Offenders Act. At the same time, the court is having discretion to impose the sentence of fine to the offences. On considering the gravity of the offence and relationship of the parties, court can exercise the discretion for awarding the suitable sentence. Hence, I proceed to pass the following;-

**ORDER**

*The accused No.1 is sentenced to pay fine of Rs.500/- for the offence punishable under Sec.504 of IPC. In default of payment of fine, he shall undergo simple imprisonment for the period of 10 days.*

*The accused No.1 is sentenced to pay fine of Rs.5,000/- for the offence punishable under Sec.324 of IPC. In default of payment of fine, he shall undergo simple imprisonment for the period of 6 months.*

*The accused No.2 is sentenced to pay fine of Rs.1,000/- for the offence punishable under Sec.323 of IPC. In default of payment of fine, he shall undergo simple imprisonment for the period of 1 month.*

*The accused No.1 is sentenced to pay fine of Rs.500/- for the offence punishable under Sec.114 of IPC. In default of payment of fine, he shall undergo simple imprisonment for the period of 15 days.*

*The accused No.1 and 2 are sentenced to pay fine of Rs.500/- each for the offence punishable under Sec.506 of IPC. In default of payment of fine, they shall undergo simple imprisonment for the period of 1 month.*

*On realization of fine amount, out of fine amount of Rs.7,500/- a sum of Rs.5,000/-*

*shall be payable to complainant as compensation under Sec.357 of Cr.P.C., and remaining amount shall be payable to state as per the law.*

*Office is directed to issue free copy of judgment to the accused persons.*

**(H.K.NAVEEN)**

Prl. Senior Civil Judge and JMFC  
Channarayapatna.

**-.ANNEXURE:-**

**LIST OF WITNESSES EXAMINED BY PROSECUTION:**

- PW.1 - Sri.Nagaraju S/o late Kalegowda B.N  
PW.2 - Sri.Ramakrishnegowda S/o Chandrashekar

**LIST OF DOCUMENTS MARKED BY PROSECUTION:**

- ExP.1 - Statement of PW-1  
ExP.1(a) - Signature of PW-1  
ExP.2 - Spot Mahazar  
ExP.2(a) - Signature of PW-1  
ExP.3-4 - CT-Scan Reports  
ExP.5 - CT-Scan Photo  
ExP.6 - CD Print Out  
ExP.6(a) - CD  
ExP.7 - Prescription  
ExP.8-9 - CT-Scan Bill  
ExP.10 - Photo

**LIST OF WITNESSES EXAMINED BY DEFENCE:**

-Nil-

**LIST OF DOCUMENTS MARKED BY DEFENCE:**

-Nil-

**MATERIAL OBJECTS MARKED BY DEFENCE:**

-Nil-

**(H.K.NAVEEN)**

Prl. Senior Civil Judge and JMFC  
Channarayapatna.

(Judgment pronounced in the open  
court vide separate Judgment)

**ORDER**

***Acting under section 248(2) of  
Cr.P.C., the accused No.1 and 2 are  
convicted for the offence punishable  
under Sec.504, 323, 324, 114 and 506 of  
IPC.***

***Hear on sentence.***

Prl.Senior Civil Judge and JMFC  
Channarayapatna

The Advocate for the accused  
filed application under Sec.424  
of Cr.P.C.,and Sec.464 of BNSS  
to prefer an appeal against the  
judgment and award of this  
court.

Heard grounds. Satisfied.

The application filed by the  
accused under Sec. 424 of  
Cr.P.C.,and Sec.464 of BNSS is  
allowed.

The sentence is suspended  
till completion of the appeal  
period.

The accused persons shall  
execute a personal bond of  
Rs.50,000/- each with a surety  
for likesum.

The Advocate for accused undertake to furnish surety on 30.06.2026.

Office is directed to take the bond of accused persons.

Prl. Senior Civil Judge and JMFC  
Channarayapatna.