



**IN THE COURT OF THE PRL. SENIOR CIVIL JUDGE
AND JMFC., KUNIGAL**

**PRESENT: SRI. NAGESH MURTHY. B.K., B.A., LL.M.,
Prl. Senior Civil Judge & JMFC.,
Kunigal.**

C.C.No. 1758 / 2024

Dated: This the 2nd day of July 2026

Complainant		State by, Police Sub Inspector Kunigal Police Station (By Asst. Public Proscutor)
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-/-vs/-

Accused persons		Kapanaiah H.N. S/o. Late Nanjundaiah, Aged about 51 years, R/o. Hitthalahalli Village, Kasaba Hobli, Kunigal Taluk. (By Sri. J.R. Advocate)
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J U D G M E N T

The P.S.I of Kunigal Police Station has filed this charge-sheet against the accused for the offences punishable u/S.115(2), 118(1), 118(2), 351(2), 352, 74 of BNS.



2. It is alleged by the prosecution that on 12/07/2024 at about 6-30 p.m., on the footpath of road proceeding from Hitthalahalli gate to Kulumepalya, beside the house of CW-1 at Hanumanthanagara, coming within the jurisdiction of Kunigal Police Station, the accused having enmity with CW-1 relating to money transaction, picked up quarrel and abused CW-1 with filthy language such as ಏನೇ ಬೇವರ್ಸಿ ಮುಂಡೆ, ಸೂಳೆಮುಂಡೆ, pulled her and assaulted her with beer bottle over her left forearm causing simple injury and also assaulted CW-2 with club over his nose and forehead causing grievous and simple injuries, when CW-2 fell down on the ground, the accused caused simple hurt over his right knee and accused threatened CW-2 with life and thereby committed the alleged offences.

3. On the basis of the complaint filed by the complainant, a case was registered against the accused in Kunigal P.S., Cr.No.273/2024 and FIR was submitted to the court. Panchanama of scene of offence was conducted in presence of panchas and statement of witnesses were



recorded. On completion of investigation charge-sheet has been filed against the accused persons for the alleged offences.

4. Cognizance of offences was taken and summons was issued to the accused. Accused have appeared before the Court through their counsel and have been released on bail. Copies of charge-sheet were furnished to accused u/Sec.173 of BNSS. After hearing, charges were framed against the accused for the alleged offences and accused have pleaded not guilty and claimed to be tried.

5. The prosecution in support of its case has examined 2 witnesses as PWs.1 and 2 and got marked 6 documents as Exs.P-1 and P-6. As no incriminating evidence found against the accused their statement u/S.351 of BNSS was dispensed with.

6. Heard the arguments of APP appearing for the state and the counsel for accused and perused the records.



7. The points for consideration is:

1. Whether the prosecution proves beyond doubt that on 12/07/2024 at about 6-30 p.m., on the footpath of road proceeding from Hitthalahalli gate to Kulumepalya, beside the house of CW-1 at Hanumanthanagara, the accused having enmity with CW-1 relating to money transaction, picked up quarrel and abused CW-1 with filthy language such as ಏನೇ ಬೇವರ್ಸಿ ಮುಂಡೆ, ಸೂಳೆಮುಂಡೆ, pulled her and assaulted her with beer bottle over her left forearm causing simple injury and also assaulted CW-2 with club over his nose and forehead causing grievous and simple injuries, when CW-2 fell down on the ground, the accused caused simple hurt over his right knee and accused threatened CW-2 with life and thereby committed the alleged offences?

2. What order?

8. My answer on the above points;

Point No.1 - In the Negative,

Point No.2 - As per final order, for the following;

REASONS

9. **POINT NO.1:-**

The prosecution in support of its case has examined complainant / Manjula as PW-1 and injured CW-2 / Chandrappa as PW-2.



10. Both PWs.1 and 2 turned hostile to the case of the prosecution by denying the abuse made by the accused in filthy language, assault made by the accused with hands, empty bear bottle and club and threat to life caused by the accused to CW-2/PW-2. Further PW-1 denied the accused outraging her modesty. PW-1 further denied having made complaint before the police under Ex.P-1. PW-1 further denied the conducting of panchanama, rough sketch as per Ex.P-2 and P-3 respectively. PW-1 further denied that she has given statement before the Magistrate U/Sec.164 of Cr.P.C. as per Ex.P-4. PW-1 and 2 further denied having given statements as per Ex.P-5 and P-6 respectively before the police. In the evidence of PWs.1 and 2 deposed that they have compromised the dispute with accused persons as such the prayer of APP to summon and examine other charge-sheet witnesses i.e., CW-3 to CW-9 was refused and dropped. As the complainant and injured turned hostile and compromise being reported between parties, it cannot be held that prosecution has been able to prove the guilt of the accused



beyond all reasonable doubt and accordingly, I answer Point No.1 in the Negative.

11. **POINT NO.2:**

For the afore said reasons, I pass the following;

ORDER

Acting u/S.265 of BNSS, the accused is acquitted of the alleged offences punishable u/S.74, 115(2), 118(1), 118(2), 352 and 351(2) of BNS.

Bail bond of accused stand cancelled and he is set at liberty.

(Dictated to the Steno, transcribed by him, same was corrected by me and then pronounced in open court on this the 2nd day of July 2026)

**(NAGESH MURTHY.B.K)
PRL. SENIOR CIVIL JUDGE & JMFC.,
KUNIGAL**



ANNEXURE

LIST OF WITNESSES EXAMINED

Prosecution	Defence
PW.1 Manjula	Nil
PW.2 Chandrappa	
Exhibits Marked	
Ex.P1 Complaint	
Ex.P1(a)Signature of PW-1	
Ex.P2 Panchanama	
Ex.P2(a)Signature of PW-1	
Ex.P3 Rough Sketch	
Ex.P3(a)Signature of PW-1	
Ex.P4 Statement U/Sec.164 of Cr.P.C.	
Ex.P5 Statement of PW-1	
Ex.P6 Statement of PW-2	
Material Objects got marked	
-Nil-	

Sd/-

**PRL. SENIOR CIVIL JUDGE & JMFC.,
KUNIGAL**