



Presented on : 16-10-2024
Registered on : 16-10-2024
Decided on : 16-06-2026
Duration : 01 year, 08 months, 01 day

**IN THE COURT OF THE 1st ADDITIONAL SENIOR CIVIL JUDGE
& J.M.F.C., RANEBENNUR.**

Present

**Sri Balmukund.R.Mutalik Desai, B.A. LL.B. (Spl)
1st Addl., Senior Civil Judge & JMFC,
Ranebennur.**

C.C.No.3221 of 2024

Dated this the 16th day of June - 2026

Complainant: The State by Halageri Police Station

(By Learned A.P.P, Ranebennur)

V/S

- Accused:**
1. Kallappa S/o Shankrappa Chinagi,
Age: 42 Years, Occ: Labour,
R/o: Dastikoppa village, Tq: Kalaghatagi,
Dist: Dharwad.
 2. Basavaraj S/o Shankrappa Chinagi,
Age: 36 Years, Occ: Driver,
R/o: Dastikoppa village, Tq: Kalaghatagi,
Dist: Dharwad.

(By Sri. M.S. Halemani, Advocate)



1. Date of commission of offence : 09-01-2023
2. Offences complained of : U/sec. 323, 354, 504 & 506 R/w 34 of IPC.
3. Name of the complainant : Paravati Benagi
4. Date of filing of charge-sheet : 11-08-2024
5. Date of recording evidence : 11-03-2025
6. Date of pronouncement of judgment: 09-12-2025
7. Opinion of the Judge : A-1 and 2 found not guilty.

(Sri B.R. MutalikDesai)
1st Addl., Senior Civil Judge
& J.M.F.C., Ranebennur.

J U D G E M E N T

The Police Sub Inspector of Halageri, P.S., filed this charge sheet against the accused No.1 and 2 for the offences punishable U/sec 323, 354, 504 and 506 R/w 34 of IPC.

2. The case of the prosecution in brief is as follows:-

It is alleged that on 09-01-2023 at about 06-00 pm when complainant and CW-4 to 7 were in their house at Kotihala village accused No.1 and 2 entered their house and abused complainant and assaulted with bare hands. CW-4 and 5 tried to pacify the quarrel and accused No.1 and 2 also assaulted CW-4 and 5 with



bare hands and also gave life thereat and thereby committed the aforesaid offences, which ensured in registration of Cr.No.53/2023 against the accused No.1 and 2 for the aforesaid offences based on the complaint lodged by first informant.

3. The investigation officer taken up investigation and after thorough filed charge-sheet against the accused No.1 and 2.

4. After receiving the charge sheet, this court has taken cognizance of the aforesaid offences and ordered to register the criminal case against the accused No.1 and 2 and issued summons to the accused, as they were already on bail.

5. On receipt of the summons the accused No.1 and 2 appeared through their counsel. The copies of prosecution papers were supplied to the accused No.1 and 2 as required under section 207 of Cr.P.C. Thereafter, the counsel for the accused and learned APP were heard on charge and thereafter charge was framed and read over and explained to the accused. For which the accused No.1 and 2 pleaded not guilty and claimed trial. Hence, summonses were issued to the prosecution witnesses.

6. The prosecution has examined nine witnesses as PW.1 to 9, and Ex.P-1 to 6 were marked for prosecution.



7. After completion of prosecution evidence, statement as required under section 313 of Cr.P.C recorded. The incriminating materials appearing in the evidence of prosecution were explained to accused persons. They denied the same and submitted that, they have no defense evidence to make.

8. Complied under section 437(a) of Cr.P.C.

9. Heard arguments of both sides and perused the entire case file.

10. Now, the points that arise for my consideration are:-

1. Whether the prosecution proves beyond all reasonable doubt that on 09-01-2023 at about 06-00 PM in the house of CW-1 to 5 situated at Kotihal village in furtherance of common intention accused No.1 and 2 assaulted CW-1, 4 and 5 with bare hands and thereby committed an offence punishable under section 323 R/w 34 of IPC?
2. Whether the prosecution proves beyond all reasonable doubt that on above said date, time, and place accused No.1 and 2 in furtherance of common intention outraged the modesty of CW-1, 4 and 5 and thereby committed an offence punishable under Sec 354 R/w Sec.34 of IPC?



3. Whether the prosecution proves beyond all reasonable doubt that on the above date, time and place, the accused No.1 and 2 in furtherance of common intention, have abused the complainant and CW-4 and 4 in filthy language to provoke them and break public peace and thereby committed an offence punishable U/sec.504 R/w Sec.34 of IPC?
4. Whether the prosecution proves beyond all reasonable doubt that on the above date, time and place, the accused No.1 and 2 in furtherance of common intention, have criminally intimidated complainant and CW-4 and 5 and caused alarm to them and thus have committed an offence punishable U/sec.506 R/w Sec.34 of IPC?
5. What order?

11. My answer to the above said points are as following :-

Point No.1 to 4 : **In the Negative**
Point No.5 : As per final order
for the following:-

REASONS

12. **Point No.1 to 4**:- These points are taken up together for common discussion in order to avoid repetition of reasoning.



13. In order to bring home the guilt of the accused, the prosecution has examined nine witnesses out of ten charge-sheeted witnesses as PW-1 to 9 and produced Ex.P-1 to 6.

14. PW-3/CW-1 Parvati who is the first informant/complainant in the case, in her examination-in-chief deposed that, accused No.1 is her husband and accused No.2 is brother of accused No.1. On one day at 06-00 pm accused came to her house and abused and assaulted her and CW-4 and 5 and she gave complaint in this regard.

15. PW-1 Kavita and PW-2 Savitramma in their examination in chief deposed that, accused persons took quarrel with PW-1 and assaulted them and PW-3.

16. PW-4 Ganesha and PW-5 Halanagouda who are panchas in this case deposed about Mahazar took place before them.

17. PW-6 Holebasappa who is the Husband of PW-1 deposed about quarrel pacified by him.

18. PW-8 Dr. Gnaneshwara who issued wound certificate deposed about treatment given to PW-3 and wound certificate issued by him.

19. PW-9 and 10 who are the Investigating officers in this case deposed about investigation conducted by them.



20. In this case, counsel for accused vehemently argued that, witnesses who supported the case of prosecution are all interested witnesses and their evidence has to be looked very carefully.

21. PW-3 Parvati who is the injured and first informant in this case in her evidence deposed that, on one day accused persons came to her house and assaulted her. It is interesting to note that, PW-3 in her evidence not mentioned the date, time of the incident which creates doubt about the incident. More over, in Ex.P1 first information statement at para No.6 PW-3 mentioned that, accused persons along with other four persons came to her house in a vehicle bearing No.KA-25/AA-6668 along with objects like Stick, Knife and Chain. But, in her evidence she has not deposed about this. This also creates doubt about the alleged incident.

22. PW-1 Kavita in her evidence deposed that, accused persons assaulted her and PW-2 and 3. PW-2 Savitramma in her evidence deposed that, accused persons dragged the hairs of PW-3. This fact is not deposed by PW-1 and 3 in their evidence. So there is a material contradiction in the evidence of PW-1 to 3 which creates doubt about the alleged incident.

23. Moreover, in this case as per prosecution story alleged incident took place on 09-01-2023. But, interestingly the FIR came to be registered on 03-04-2023. So there is an inordinate delay of more than three months this also creates doubt. In this regard it is relevant to rely on citation of Hon'ble Apex Court reported in **AIR**



1973 SC 501 (Thulia Kali V/s State of Tamilnadu). Wherein Hon'ble Apex court opined that,

“(B) Criminal P.C. (1898) S.154-Importance of First Information Report-Delay in giving information the report can hardly be overestimated from the standpoint of the accused. The object of insisting upon prompt lodging of the report to the police in respect of commission of an offence is to obtain early information regarding the circumstances in which the crime was committed, the names of the actual culprits and the part played by them as well as the names of eye witnesses present at the scene of occurrence. Delay in lodging the first information report quite often results in embellishment which is a creature of afterthought on account of delay, the report not only gets bereft of the advantage of spontaneity, danger, creeps in of the introduction of coloured version, exaggerated account or concocted story as a result of deliberation and consultation. It is therefore, essential that the delay in the lodging in the first information report should be satisfactorily explained”.

24. Hence, there is an inordinate delay in filing complaint which is not properly explained by prosecution. More over, as discussed above there is a material contradiction in the evidence of PW-1 to 3 which also creates doubt about the happening of alleged incident and involvement of accused persons.

25. Hence, for all these reasons I am of the view that, prosecution has utterly failed to prove the guilt of the accused persons beyond reasonable doubt. **Hence, I answer point No.1 to 4 in the negative.**



26. **Point No.5:-** For the foregoing reasons, I proceed to pass the following;

ORDER

Acting u/Sec.248(1) of Cr.P.C, the accused No.1 and 2 are hereby **acquitted** for the offences punishable U/s.323, 354, 504 and 506 R/w Sec.34 of IPC.

Accused No.1 and 2 are set free.

The bail bond and surety bond of the accused No.1 and 2 shall continue for 6 months from date this order.

(Dictated to the Stenographer directly typed by him on computer, corrected by me and then pronounced in open court on this 16th day of June -2026).

(Sri. B.R.Mutalik Desai)
1st Addl., Senior Civil Judge
& J.M.F.C., Ranebennur.

:: ANNEXURE ::

Witnesses examined on behalf of the complainant:

PW-1: Kavita W/o Holebasappa Maganur.
PW-2: Savitramma W/o Murigeppa Gadder.
PW-3: Parvati W/o Kallappa Chinagi.
PW-4: Ganesh S/o Kuberappa Gadder.
PW-5: Halanagouda S/o Ramanagouda Goudappalavar.



PW-6: Holebasappa S/o Jayappa Maganur.
PW-7: J.M. Makandar S/o Moyiddin Sab Makandar.
PW-8: Ganeshwar C.S. S/o Chandrashekara M.S.
PW-9: Parashuram S/o Narayana Lamani.

Documents marked on behalf of the complainant:

Ex.P1 : Copy of first information statement.
Ex.P1(a to c) : Signatures.
Ex.P2 : Copy of spot panchanama.
Ex.P2(a to d) : Signatures.
Ex.P3 : Photograph.
Ex.P4 : Copy of first information report.
Ex.P4(a) : Signature.
Ex.P5 : Copy of certificate U/s 65 of Evidence Act.
Ex.P5(a) : Signature.
Ex.P6 : Copy of wound certificate.
Ex.P6(a & b) : Signatures.

Witnesses examined on behalf of the accused:

-Nil-

Documents marked on behalf of the accused:

-Nil-

(Sri B.R. MutalikDesai)
1st Addl., Senior Civil Judge
& J.M.F.C., Ranebennur.