



**IN THE COURT OF THE JUDICIAL MAGISTRATE FIRST
CLASS, SAVANUR**

Present : **SRI. SRINIVASA. S.N,**
B.A., LL.M.,
Civil Judge and JMFC.,
Savanur.

CC No.7/2021

Dated this the 9th day of February- 2026

Complainant : The PSI, Savanur P.S.

[By Learned APP]

Vs

Accused : 1. **[A-1]** Chamansab S/o Davalsab Kanavi
Age: 45 Years, Occ: Labourer

2. **[A-7]** Dilshabdhi W/o Chamansab Kanavi
Age: 40 Years, Occ: Housewife

Both are R/o: Tegghalli village,
Tq: Savanur, Dist.: Haveri

[By Sri Ismail.K.Hentegalar, Advocate]

ORDER ON APPLICATION FILED U/SEC.323 OF CR.P.C

The Learned APP has filed the present application under Section 323 of Cr.P.C., seeking to commit the present case to the Hon'ble Sessions Court, in the interest of justice and equity.



2. In the application, it is stated that though the charge sheet has been filed for the offences punishable under Sections 114, 34, 323, 341, 504 and 506 of IPC, during the course of examination-in-chief of PW-1/complainant, it has come on record that Accused No.1 attempted to pour diesel on the complainant and tried to burn her. It is further stated that the said fact is also found in the complaint. According to the prosecution, the acts of the accused disclose intention to kill the complainant and thus attract the offence punishable under Section 307 of IPC, which is exclusively triable by the Court of Sessions. Hence, the present application.

3. Per contra, the Accused persons counsel have filed objections contending that the application is false, frivolous and filed only to harass the accused persons. It is contended that the alleged incident is said to have taken place between 17-11-2019 and 18-11-2019, whereas the complaint was lodged after a delay of 51 days on 06-01-2020. It is further contended that no diesel or bottle has been seized, no medical records or injury certificate are produced and that the investigating Officer has filed a false charge sheet. Hence, prayed to dismiss the application and proceed with the case.



4. Heard Learned APP and learned counsel for the accused persons. Perused the material available on record.

5. The following points arise for my determination.

POINTS

1. Whether the case requires to be committed to the Hon'ble District and Sessions Court, Haveri?
2. What order?

6. My answers to the above points are as here under:

Point No.1 : In the Affirmative.

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

: REASONS :

7. **POINT NO.1:-** On perusal of the charge sheet, it is evident that the IO has filed the charge sheet against the accused persons for the offences punishable under Sections 114, 323, 341, 504 and 506 read with 34 of IPC, and has not included Section 307 of IPC.

8. It is the case of the prosecution that during the course of trial, the examination-in-chief of PW-1/complainant has revealed facts which prima-facie disclose the commission of offence punishable under Section 307 of IPC, thereby necessitating committal of the case to the Hon'ble Sessions Court.



9. Per contra, the accused persons have denied the incident and have contended that the charge sheet itself is false and that there is no supporting material like seizure of diesel or medical evidence.

10. At this stage, this Court has to consider whether the deposition of PW-1, if taken at face value, attracts the ingredients of Section 307 of IPC. Section 307 of IPC contemplates an act done with such intention or knowledge and under such circumstances that, if it had caused death, the act would amount to murder. The essential ingredients to attract Section 307 of IPC are:

- Intention or knowledge to cause death;
- Nature of the act committed;
- Execution of the act; and
- Likelihood of causing death in the ordinary course of nature.

11. On perusal of the chief-examination of PW-1, it is clear that PW-1 has specifically stated that Accused No.1 attempted to pour diesel on her and tried to set her on fire. The said version is also reflected in the complaint lodged by PW-1. The act of pouring diesel on a person and trying to burn her, by its very nature, indicates intention and knowledge that such act could cause death in the ordinary course of nature. Therefore, prima-facie, the



allegations made by PW-1 attract the ingredients of Section 307 of IPC.

12. The Learned APP has relied on the decision of Hon'ble High Court of Karnataka, Dharwad Bench, in CrI.Pet.No.101148/2023 between Ijaj and others Vs. State of Karnataka and another, wherein the Hon'ble Court has clearly held that;

“where the chief-examination of the complainant discloses material attracting Section 307 of IPC, the Magistrate is justified in allowing an application under Section 323 of Cr.P.C. and committing the case to the Sessions Court, even before cross-examination of the witness.”

13. The objections raised by the accused persons counsel relating to delay in lodging the complaint, non-seizure of material objects and absence of medical evidence are all matters to be considered during trial. At the stage of deciding an application under Section 323 of Cr.P.C., this Court is not required to appreciate evidence in detail or decide the truthfulness of the allegations.

14. Section 323 of Cr.P.C. empowers the Magistrate to commit the case to the Court of Sessions at any stage of the trial, if it appears that the case ought to be tried by the Court of Sessions.



The stage of trial includes recording of chief-examination of witnesses.

15. In the present case, there is sufficient material on record in the form of sworn testimony of PW-1 to prima-facie attract the offence punishable under Section 307 of IPC, which is exclusively triable by the Court of Sessions. Hence, this Court is of the considered opinion that the application deserves to be allowed.

Accordingly, ***Point No.1 is answered in the Affirmative.***

16. POINT No.2: In view of the above discussion, this Court proceeds to pass the following:

ORDER

**The application filed by the Learned
APP under Section 323 of Cr.P.C. is
hereby allowed.**

(Dictated to the stenographer directly on computer, corrected, signed and then pronounced by me in the Open Court on this the 09th day February, 2026)

(SRINIVASA. S.N)
Civil Judge & JMFC.,
Savanur.