



KAKB220050222023



**IN THE COURT OF THE ADDL.CIVIL JUDGE & JMFC
AT ALAND**

PRESENT

SMT.SUMAN CHITARGI., B.COM.,LL.M.
C/C. ADDL.CIVIL JUDGE & JMFC
ALAND

DATED THIS THE 27TH DAY OF APRIL - 2026

CRIMINAL CASE No.3680/2023

COMPLAINANT:

The State of Karnataka Represented by
Narona Police Station.

(By A.P.P.)

V/s

ACCUSED:

Rahul Arya @ Rahul S/o Keshavalu Swami,
Aged: 31 years, Occ: Student,
R/o Gubbi Colony, Kalaburagi.

(By Sri.B.G.Bilage, Advocate)

Date of offence	10.04.2022
Date of report	10.04.2022



Date of arrest of accused	-----
Whether in custody	No
Complainant	Sri. Vishwanath S/o Subhash Divan, R/o. Shakapur, Tq: Jewargi.
Offences alleged	U/Secs. 504, 341, 323, 324 and 506 of IPC.
Evidence commenced on	18.01.2024
Evidence closed on	09.02.2026
Judgment pronounced on	27.04.2026
Opinion of Presiding Officer	Accused found not to be guilty
State by	Learned A.P.P.
Accused by	By Sri.B.G.B., Advocate

**C/C. ADDL.CIVIL JUDGE & JMFC
ALAND**

<><><>

J U D G M E N T

The PSI of Naron PS has filed charge sheet against the accused for the offences punishable U/Secs.341, 323, 324, 504 and 506 of IPC.



2. **Brief facts of the prosecution case are as under:-**

It is alleged by the prosecution that on 10.04.2022 at 9:30 a.m. on the day of Rama Navami Festival, when the Laxmi Pooja was arranged in the University Campus at that time, when CW1 and 4 to 7 after attending the pooja when they are returning the accused came on his Royal Enfield motorcycle bearing Reg.KA.32/ES-0127 picked up quarrel by objecting for conducting Laxmi Pooja, wrongly restrained the movement of CW1, picked up quarreled with him, intentionally insulted the informant by abusing him in filthy words intending that such provocation would cause him to break the public peace, voluntarily caused internal injury by assaulting with bare hands and also caused bleeding injury by picking the sharp edge stone laying on the ground to the neck, meanwhile when the CW4 came to rescue the CW1 at that time, accused has also assaulted him by fist blow on forehead and back. The accused has also threatened them contending that if any again conducted the pooja inside the University Campus, he will finish their lives, threatened the CW1 and 4 with dire consequences, so as to cause alarm in their mind. The complainant was shifted to the



Government General Hospital, Kalaburagi. The SHO of Narona PS has received information with regard to registering of MLC from the GGH, Kalaburagi. Hence, he has visited the hospital recorded the oral complaint, reduced it in computerized script, returned to the police station and on the strength of complaint he got registered the case in their PS Crime No.45/2022 against the accused persons for the offences U/Secs.143, 147, 341, 323, 324, 307, 504 and 506 R/w 149 of IPC. The Investigation Officer took further investigation and after conclusion of investigation, PSI of Narona PS has submitted the charge sheet against the accused persons for the above said offences punishable U/sec. 341, 323, 324, 504 and 506 of IPC by leaving all the other offences.

3. On perusal of the charge sheet papers, this court found materials to take the cognizance. Hence, cognizance for the said offences was taken against accused and got issued the summons to the accused. In response to the summons accused has appeared before the court through his counsel and enlarged him on bail.



4. Prosecution papers were furnished to the accused in compliance of Section 207 of Cr.P.C.

5. Heard. Learned APP and learned counsel for accused. As there were sufficient materials to frame charge, charge U/Secs.341, 323, 324, 504 and 506 of IPC were framed against the accused and same has been read over and explained to him, accused has pleaded not guilty and claimed to be tried. Hence, prosecution machinery set in motion.

6. In order to establish the guilt of accused, the prosecution in all has examined 11-witnesses at PW1 to PW11 and got marked 09-documents at Ex.P1 to Ex.P9 along with sub-markings and also got identified handful stone as MO1 and also got marked Ex.D1 by way of confrontation and closed its side.

7. After closure of evidence of prosecution witnesses, the statement of accused as required U/Sec.313 of Cr.P.C. was recorded and incriminating circumstances appearing in the prosecution evidence was brought to the notice of accused and he has denied the same as false and has not chosen to lead any



defense evidence on his behalf.

8. Heard learned APP for State and learned counsel for accused.

9. Upon hearing the arguments and on perusal of materials placed on record, following points arise for my consideration.

1. Whether the prosecution proves beyond all reasonable doubt that on 10.04.2022 at 9:30 a.m. on the day of Rama Navami Festival, when the Laxmi Pooja was arranged in the University Campus at that time, when CW1 and 4 to 7 after attending the pooja when they are returning the accused came on his Royal Enfield motorcycle bearing Reg.KA.32/ES-0127 picked up quarrel by objecting for conducting Laxmi Pooja, wrongly restrained the movement of CW1 with an intention to commit certain offences and thereby has committed an offence punishable U/Sec.341 of Indian Penal Code?
2. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, picked up quarrel with CW1 intentionally insulted the informant by



abusing him in filthy words intending that such provocation would cause him to break the public peace and thereby accused has committed an offence punishable U/Sec.504 of Indian Penal Code?

3. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, voluntarily caused internal injury by assaulting with bare hands, meanwhile when the CW4 came to rescue the CW1 at that time, accused has also assaulted him by fist blow on forehead and back and thereby has committed an offence punishable U/Sec.323 of Indian Penal Code?
4. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, voluntarily caused bleeding injury by picking the sharp edge stone laying on the road on the neck of CW1 by using it as weapon and thereby has committed an offence punishable U/Sec.324 of Indian Penal Code?
5. Whether the prosecution proves beyond all reasonable doubt that on the above said



date, time and place, The accused has also threatened them contending that if any again conducted the pooja inside the University Campus, he will finish their lives, threatened the CW1 and 4 with dire consequences, so as to cause alarm in their mind and thereby has committed an offence punishable U/Sec.506 of Indian Penal Code?

6. What order?

10. My findings to the above points are as under.

Point No.1 : In the negative

Point No.2 : In the negative

Point No.3 : In the negative

Point No.4 : In the negative

Point No.5 : In the negative

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

REASONS

11. **POINTS NO.1 TO 5:-** These points are inter related to each other, I have taken these points for common discussion to avoid repetition.

To substantiate the guilt of the accused, prosecution got examined PW1 to PW11 witnesses and got exhibited Ex.P1 to Ex.P9 documents along with sub-markings and also got marked material



object as MO1.

12. In order to bring home the guilt of the accused, prosecution has examined the complainant CW1-Vishwanath S/o Subhas as PW1. During his chief examination he has deposed that he does not have any information with regard to present case and he is not intending to proceed with the case. He has identified the complaint showed to him as Ex.P1. Though the learned APP cross-examined this witness in length with great efforts, but fails to elicit anything from his mouth so to prove that the complainant has lodged his complaint as per Ex.P1 and the IO has recorded his further statement as per Ex.P2.

13. CW4-Narendrakumar S/o Megharam examined as PW2. He has deposed in his evidence that on 10.04.2022 at about 9:30 am when himself and CW1 and 5 to 7 had been to attend the Rama Navami Festival in the Laxmi Temple situated at University at that time, 3-4 persons i.e. Rahul Hatota, Rahul Arya, Shadik Ahammad and Pruthivi came there and picked quarrel with CW1 by objecting celebration of Rama Navami when they replied they are following their rites meanwhile started to abuse in filthy words and assaulted



with hands and stone to the CW1. They have assaulted with sharp edge stone on chest and head and caused injuries. When he was tried to rescue him they have also assaulted him to his head. Due to which has sustained injury to the head. CW5 to 7 came and rescued them. Thereafter they are informed to the security guard who in turn informed to the officers referred to the hospital, later on they have registered the case. He has identified complaint marked as Ex.P1 and his signature as E.P1(a) he has also identified material object MO1.

14. The learned defence counsel has fully cross-examined this witness. It is elicited that he does not know reading and writing of Kannada Language as the complaint is in Kannada Language, hence he do not know the contents of it. It is further elicited that on 12.04.2022 he got discharged from the hospital. It is further elicited that there is a case booked against him and others. For better clarification the admission given by this witness is extracted here below: “ ಸದರಿ ಪ್ರಕರಣದಲ್ಲಿ ಸಾಕ್ಷಿದಾರರಾದ ಚಾಸಾ-6 ಮತ್ತು 7 ರವರ ವಿರುದ್ಧ ಬೇರೆ ಕ್ರಿಮಿನಲ್ ಪ್ರಕರಣ ದಾಲಾಗಿರುತ್ತದೆ ಎಂದರೆ ಸರಿ. ನಾನು ಮತ್ತು ಚಾಸಾ-6, 7 ರವರು ಯುನಿವರಸಿಟಿ ಕ್ಲಾಂಪಸನಲ್ಲಿ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಹೆದರಿಸುತ್ತೇವೆ ಎಂದು ನಮ್ಮ ವಿರುದ್ಧ ಗುನ್ಸಾ ಸಂಖ್ಯೆ ನಂ.117/2022 ಕ್ರಿಮಿನಲ್ ಪ್ರಕರಣ



ದಾಖಲಾಗಿರುತ್ತದೆ ಎಂದರೆ ಸರಿ.” The said document is got marked as Ex.D1 by way of confrontation. It is further elicited that he does not know what they have recorded when he was given his statement. It is further elicited that in the University CC TV Cameras are installed and also security guards are there. He has denied rest of suggestions made to him as false.

15. CW5-LaxmiSagar S/o Arjun got examined as PW3, This witness is eyewitness to the incident in question. But he has not supported the case of prosecution and thereby turned hostile. Hence, learned APP by treating him with permission of the court. Inspite of searching cross-examination, fails to elicit that he has given his statement as per Ex.P4.

16. CW6-Neeraj S/o Ramalinga got examined as PW4. He has deposed in his evidence that he knows CW1, 4, 5 and 7 and there was a quarrel on the day of Rama Navami. But he has not remembered it. Hence, learned APP treated him as partial hostile witness and cross-examined with permission of court.



17. During the course of cross-examination he has admitted that on 10.04.2022 there was a Rama Navami and on that day CW1, 4, 5 and 7 were present who are moving in front of him. When they were returning back towards University at that time, accused came on Royal Enfield Motorcycle bearing Reg.KA-32/ES-0127. It is further admitted that he has given life threat to them while leaving the scene of occurrence.

18. The learned defence counsel has cross-examined this witness. It is elicited that he does not know reading and writing of Kannada and does not know the contents of his statement. Totally 2005 students are studying in University out of them number of students attended the Pooja. It is further elicited that on 16.09.2023 a criminal case was registered against him and CW4. He denied rest of suggestions as false.

19. CW7-Shashikumar S/o Ramalingareddy got examined as PW5. He has deposed in his evidence that on 10.04.2022 due to Ram Navami all of them have attended Pooja from 9:30 to 10:30 am while returning, accused objected for doing the same and assaulted to the CW1. All of them have rescued at that time, he has assaulted



to the CW1. At this stage, learned APP treated him as partial hostile witness. He has admitted the suggestions made by the learned APP that accused came on Royal Enfield Motorcycle. But denied rest of suggestions as false and admitted that he has given statement before police.

20. Learned defence counsel has fully cross-examined this witness. During the course of cross-examination made by the defence counsel he too admitted about registering of a criminal case by the Naron PS with regard to incident taken place on 16.09.2023. He has denied rest of suggestions made by the defence counsel as false.

21. CW9-Mallinath(HC/IO) got examined as PW6. He has deposed in his evidence that on 10.04.2022 when he was on the charge of SHO received intimation from the Kalaburagi Government Hospital with regard to registering of MLC. Evening at 7:00 p.m. visited the hospital recorded the statements in Kannada Language of injured victim of CW1 who was under the medical treatment then he returned to the PS at 11:00 p.m. and on the strength of it got registered the case in PS Crime No.45/2022 and took the



investigation at 11:30 pm submitted the FIR through his official-Vivekanand to the Court and handed-over further investigation to the CW10. He identified his signature as Ex.P1(c) and FIR as Ex.P4. The learned defence counsel has fully cross-examined this witness and the cross-examination of this witness is nothing but mere denial.

22. CW2-Revansiddappa S/o Eranna Duttargaon got examined as PW7 and CW3-Devaraj S/o Nagendrappa got examined as PW9. They have deposed that they do not know any information about the case and panchanama was not conducted in their presence nor recovered any material objects. On the say of police they signed on a document marked as Ex.P5 and seizure panchanama as Ex.P6. Though the learned APP cross-examined these witnesses, but fails to elicit anything from their mouth, so the prosecution miserably fails to prove conducting of spot panchanama as per Ex.P5 and seizure panchanama as per Ex.P6.

23. CW8-Dr. Sagar (Medical Officer) got examined as PW8. He has deposed in his evidence that on 10.04.2022 at about 3:15 p.m. CW1 and 4 were brought by their friends to the hospital on the



history of assault. On examination of CW4, he noticed injury over head and chin and he complainant about pain. Hence, noticed about swelling and his right forehead was having pain. Hence, he admitted him and make the CT Scan head and X-ray of hand and found normal. On 13.04.2022 discharged him from their hospital and opined that the injury sustained by him are simple in nature and he got issued wound certificate. Further the CW1 complained about pain in chest, head and back. Hence, he examined and found normal. He has admitted him and made CT Scan of head and X-ray of chest and found normal. He too got discharged on 13.04.2022. The injury sustained him are simple in nature. He identified wound certificate of CW4 as Ex.P7 and wound certificate of CW1 as Ex.P8.

24. Learned defence counsel cross-examined this witness. It is elicited that in ExP7 he has not mentioned on which part of head CW4 sustained injury. It is further elicited that such injuries may occur if a person falls on ground with force. Further elicited that the injured persons are normal and able to walk. He denied rest of suggestions made by the defence counsel.



25. CW10-Vatsallya(PSI/IO) got examined as PW10. She has deposed in her evidence that on 11.04.2022 she took further investigation of the case from CW9. On the same day, between 9 and 10 a.m. in the presence of CW2 and 3 conducted panchanama and recovered stone from the spot, recorded further statement of CW1 and statements of CW4 to 7. On 12.04.2022 in the presence of same panchas conducted seizure panchanama and seized Rolyal Enfield Motorcycle bearing Reg.NO.KA32/ES-0127 and also she collected the wound certificate of CW1 and 4 from CW8. Thereafter handed over further investigation to the CW11. She identified her signatures on Ex.P5 and 6. She has also identified her signatures appearing on wound certificates. She identified the material object identified as MO1.

26. The learned defence counsel has cross-examined this witness. It is elicited that the panchanama was conducted for the offences U/Secs.143, 147, 341, 323, 324, 307, 504 and 506 R/w 149 of IPC. It is further elicited that she does not know model of the laptop which was used for recording the statements of witnesses. She further admitted that she did not take photographs at the time of



conducting panchanama which, she usually does. The rest of suggestions have been denied as false.

27. CW11-Dinish(PSI/IO) got examined as PW11. He has deposed in his evidence that on 02.06.2023 took further investigation from CW10. On 03.06.2023 received a letter from DY.SP Office. On the strength of it he left the accused by name Sadik @ Sadika Ahammad S/o Shafia Ahammad and Rahul @ Atota Rahul S/o Atota Bhanu Prakash from this case. He also left section 143, 147, 149 and 307 of IPC from the case and submitted charge sheet. The said order has been imposed with final report. The report dated 03.06.2023 is identified as Ex.P9.

28. The learned defence counsel has cross-examined this witness during cross examination it was elicited that he does not investigated the case relating to the accused who are left out and further elicited that DSP also not investigated and as per the order of DSP he inserted the sections and submitted the charge sheet and rest of the cross-examination is nothing but mere denial.



29. I have heard learned APP and the learned counsel for the accused. I have gone through the material available on record meticulously. On perusal of the materials it clearly reveals that as per the admission given by the CW4 it is clear that there is a community rivalry between the accused and witnesses with regard to celebration of Ram Navami festival inside the Central University Campus.

30. In the instant case, the CW1 who is the star, main and material witness of the prosecution himself has not supported his own case as well as case of prosecution and thereby turned hostile. Though the learned APP has cross examined the PW1 in length with great efforts, but fails to elicit with regard to filing of his complaint as per Ex.P1 and recording of his further statement by the IO during the course of investigation.

31. In the instant case, except the evidence of CW4 who is one of the injured victim's examined as PW2 supported the prosecution's case, none of the other eyewitnesses including the complainant have supported his version. In the instant case, as per the evidence of medical officer the injured CW1 and CW4 have been brought



before him through their friends and on examination though he referred the victims to undergo CT Scan and X-ray, but not found any grievous injuries said to be sustained by the victims and the victims are in normal condition and they are able to move by walk. In the instant case, initially the IO has registered the case for the offences U/Secs.143, 147, 341, 323, 324, 307, 504 and 506 R/w 149 of IPC. On strength of Ex.P9 Memo issued by the DY.SP. The offences under sections 143, 147, 149 and 307 of IPC dropped. On perusal of the contents of Ex.P9 which clearly speaks that as per the request letter by the Narona PS dated: 31.05.2023 seeking deletion of Sec.143, 147, 149 and 307 of IPC on the strength of further statements made by the witnesses, the DYSP has permitted the IO to delete such sections and also to left out the other accused persons from the case. When no any grievous injuries sustained then registering the case U/Sec.307 of IPC by the I.O itself creates a doubt about genuineness of the case.

32. In the instant case, though the prosecution has examined the rest of eyewitness to the incident in question, but none of the eyewitnesses have fully supported the case of prosecution. In the



absence of corroborative version by the independent eyewitnesses the evidence of PW2 cannot be believed as true.

33. In the instant case, it is the fact that the soon after the incident the said fact was intimated to the officers of the University and security guards. But the IO has not made any attempts to record their statements or to cite them as charge sheet witnesses in this case, if the statements of the officials of the University and security guard has been recorded by the IO and cited them as charge sheet witness and also recorded on behalf of prosecution then it will come to the aid in proving alleged such incident in question. In the absence of statements of officials and security guards, the doubt arises with regard to occurring of any such incident.

34. On overall scrutiny of the oral as well as documentary evidence there are so many contradictions and omissions found place in the evidence of prosecution witnesses and there is no clear cogent, corroborative and clinching evidence available on record to prove the guilt of the accused beyond all reasonable doubt. It is well



settled principle that whenever slight doubt arisen about occurrence of alleged incident in question, then the benefit of doubt should ever goes in favour of accused. Hence by extending benefit of doubt towards the accused, he is entitled for acquittal. With these observation, *the **points No.1 to 5 are answered in the Negative.***

35. **POINT NO.6:-** For discussion on points No.1 to 5, following order is passed.

ORDER

Acting U/Sec.248(1) of Cr.P.C., the accused is hereby acquitted for the offences punishable U/Secs.341, 323, 324, 504 and 506 of IPC.

Bail bond and surety bond of accused shall be continued for the period of 6 months as per Sec.437(A) of Cr.P.C.

MO1-one handful stone being worthless is ordered to be destroyed after expiry of appeal period.

(Dictated to the Stenographer on Computer directly, typed by him, Judgment corrected and signed by me, then pronounced by me in the Open Court on this the 27th day of April - 2026)

**(SUMAN CHITARGI)
C/C.ADDL.CIVIL JUDGE & JMFC
ALAND**



<><><>

ANNEXURES**Witnesses examined for the prosecution:**

- PW1 : Vishwanath S/o Subhash.
PW2 : Narendrakumar S/o Megharam.
PW3 : Laxmi Sagar S/o Arjun.
PW4 : Neeraj S/o Ramadin.
PW5 : Shashikumar S/o Ramalingareddy.
PW6 : Mallinath S/o Chandrasha.
PW7 : Revansiddappa S/o Eranna Dhuttargaon.
PW8 : Dr. Sagar S/o Surendra Kathare,
PW9 : Devaraj S/o Nagindrappa.
PW10: Vatsallya W/o Sanganna.
PW11: Dinish S/o Thammanna.

Ex.documents marked for the prosecution:

- Ex.P1 : Complaint.
Ex.P1(a) to (c) : Signatures.
Ex.P2 : Further statement of PW1.
Ex.P3 : Statement of PW3.
Ex.P4 : FIR.
Ex.P4(a) : Signature.
Ex.P5 : Spot panchanama.
Ex.P5(a) to (c): Signatures.
Ex.P6 : Seizure panchanama.
Ex.P6(a) to (c): Signatures.
Ex.P7 : Wound Certificate.
Ex.P7(a) : Signature.
Ex.P8 : Another Wound Certificate.
Ex.P8(a) : Signature.
Ex.P9 : Memo issued by the DY.SP.
Ex.P9(a) : Signature.



List of the MOs marked on behalf of the prosecution:

MO1 : One handful stone.

Witness/Ex.Documents marked for the accused:

Ex.D1 : Copy of FIR in crime No.117/2022.

Date : 27.04.2026.

(SUMAN CHITARGI)
C/C. ADDL.CIVIL JUDGE & JMFC
ALAND

Dictated on : 27.04.2026.
Checked on : 27.04.2026.
Signed on : 27.04.2026.

(SUMAN CHITARGI)
C/C.ADDL.CIVIL JUDGE & JMFC
ALAND

Visit ecourts.gov.in for updates or download mobile app “eCourts Services” from Android or iOS