



Presented on : 11-10-2019
Registered on : 11-10-2019
Decided on : 08-06-2026
Duration :

**IN THE COURT OF THE CIVIL JUDGE AND J.M.F.C., AT
CHITTAPUR:**

-:: PRESENT ::-

Sri Abhishek Ramachandra Joshi

B.A.L., LL.B.,

Civil Judge & JMFC, CHITTAPUR.

C.C.No.415/2019

DATED ON THIS THE 8th DAY OF JUNE 2026

COMPLAINANT:

State through Wadi P.S.

(Asst. Public Prosecutor)

// Versus //

ACCUSED:

1. Shantibai W/o Khemya Chavan,
Age: 40 years, Occ: Housewife/coolie,
R/o: Mungi Tanda, Belagera Village,
Tq. Chittapur, Dist. Kalaburagi.
2. Gouribai W/o Raddya Rathod,
Age: 65 years, Occ: Housewife,
R/o: Mungi Tanda, Belagera Village,
Tq. Chittapur, Dist. Kalaburagi.

(A-1 and A-2 By Sri. S.N.P., Advocate)



J U D G M E N T

The accused No.1 to 2 are facing trial for the charge sheet submitted by the Wadi Police for the offence punishable U/Secs., 341, 323, 504, 506 R/w 34 of IPC.

2. **The brief facts of the prosecution case are as follows:-**

On 23-12-2018 at about 12-35pm within the jurisdiction of Wadi Police Station, near the house of complainant, accused No.1 and 2 in furtherance of common intension started quarreling with the brother of the complainant for partition of family properties. At that, time the complainant tried to pacify the situation and told the accused No.1 that, her children will get share in the family property when they attain majority. Due to such suggestion accused No.1 and 2 criminally restrained the complainant from going to her house and assaulted her with their hands. When CW-2 and CW-3 pacified the situation, both accused have given life threats to the complainant and also abused her in filthy language. Thus, the complainant was constrained to file the present complaint.



3. The jurisdictional police have filed the present charge sheet, based on the complaint filed by the complainant. The cognizance is taken for the aforesaid offences against the accused No.1 and 2 and issued summons to the said accused No.1 and 2. In response to the summons, accused No.1 and 2 have appeared before the Court through their counsel and got enlarged on bail. Copy of the prosecution papers are furnished to the accused No.1 and 2 as per provision of Section 207 Criminal Procedure Code. Charges are framed and read over to the accused No.1 and 2. The accused No.1 and 2 have denied the accusation and claims to be tried.

4. In order to bring home the guilt of the accused No.1 and 2, the prosecution has examined 01 witness as per P.W.1 and got marked 1 document as per Ex.P.1 and closed its side. As no incriminating evidence is found against the accused No.1 and 2, the statement of the accused No.1 and 2 as contemplated U/s.313 of Cr.P.C. is dispensed with.

5. Heard both side and perused the evidence available on record.

6. Upon the hearing arguments advanced from the both side



and on perusal of materials placed on record, following points arise for consideration:-

- 1. Whether the prosecution proves beyond reasonable doubt that On 23-12-2018 at about 12-35pm within the jurisdiction of Wadi Police Station, near the house of the complainant situated at Mungi Tanda, in Wadi, accused No. 1 and 2 in furtherance of common intention have assaulted the complainant by kicking her, thereby committed an offence punishable under sec. 323 R/w 34 of IPC?.***
- 2. Whether prosecution proves beyond reasonable doubt that on the aforesaid place, date and time, accused No. 1 and 2 in furtherance of common intention have wrongfully restrained the complainant and thereby committed an offence punishable under sec. 341 R/w 34 of IPC?***
- 3. Whether prosecution proves beyond reasonable doubt that on the aforesaid place, date and time, accused No. 1 and 2 in furtherance of common intention abused the complainant in filthy language with an intention to insult the complainant and thereby committed punishable under sec. 504 R/w 34 of IPC?.***
- 4. Whether prosecution proves beyond reasonable doubt that on the aforesaid place, date and time, accused No. 1 and 2 in***



furtherance of common intention have given life threats to the complainant and thereby committed punishable under sec. 506 R/w 34 of IPC?.

5. What order?

7. My findings to the above points are:-

- 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: As per final order for the following:-

REASONS

8. POINTS No.1 TO 6 :-

As these points are inter connected they are taken up together for common consideration.

9. Before discussing the case on its merits, it is necessary to go into the ingredients required to convict an accused for offences punishable under sec. 341, 323, 504 and 506 R/w 34 of IPC.



9.1. The following ingredients are required to prove guilt of an accused under sec.323 of IPC.

- A. Accused must have performed the act that caused hurt to any person.**
- B. Such act must be intentional and knowingly.**

9.2. Similarly to convict an accused for any offence punishable under Sec. 504 of IPC

- A. Intentional insult**
- B. Due to such insult and provocation it will cause the other person to break public peace and commit any offence.**

9.3. Similarly in order to convict a person under sec. 341 of IPC the prosecution has to prove,

- A. accused must have voluntarily abstracted any person from proceeding in a direction.**
- B. The victim must have had a lawful right to proceed in that direction.**
- C. The act of restrained must be intentional.**

9.4. Similarly to convict an accused for any offence punishable under Sec. 506 of IPC.

- A. Threatening another person with injury.**
- B. Due to such threatening it has caused that person to do any act which he is not legally bound to do.**



10. Based on the ingredients required let me examine, if the prosecution was successful in proving the guilt of the accused. It is a case of the prosecution that, on 23-12-2018 at about 12-35pm within the jurisdiction of Wadi Police Station, near the house of complainant, accused No.1 and 2 in furtherance of common intension started quarreling with the brother of the complainant i.e., CW-2 for partition of family properties. At that, time the complainant tried to pacify the situation and told the accused No.1 that, her children will get share in the family property when they attain majority. Due to such suggestion accused No.1 and 2 criminally restrained the complainant from going to her house and assaulted her with their hands and kicked her. When CW-2 and CW-3 pacified the situation, both accused have given life threats to the complainant and also abused her in filthy language.

11. The prosecution in order to bring home the guilt of the accused No.1 and 2, got examined the complainant/first informant. PW-1 is the complainant, she has deposed that around 7 years prior to her giving evidence there was oral altercation between herself and accused No.1 and 2. Due to such altercation all of them went to the police station to solve



their dispute. At that time the police have taken her signature on documents. The witness fairly submits that, the accused No.1 and 2 have never assaulted her or abused her or given her any life threats. She further submitted that, the accused No.1 and 2 have not committed any offence. Hence, the witness was treated as hostile witness and learned APP sought permission for cross examination of witness. Permission was granted. During the course of his cross-examination by the learned APP, nothing is elicited from the mouth of PW1. Hence, the evidence of PW1 does not assist the case of prosecution.

12. After the examination of the complainant/injured, learned APP sought to issue summons to other witnesses. However as PW1 who turned hostile to the case of prosecution, was the complainant/injured, no purpose would have been served by examining other circumstantial witnesses. Thus as per the ratio laid down by the **Hon'ble Apex court in Sathish Mehara V/s Delhi Administrative and another (1996)3 crimes 84**, the prayer of learned APP was rejected and other witnesses were dropped.



13. As the sole prosecution witness has turned hostile and nothing is elicited from the mouth of the said witness, no incriminating evidence is found against the accused No.1 and 2. The prosecution has failed to prove the offences alleged against the accused No.1 and 2 by giving cogent, acceptable and convincing evidence. Therefore, I answer the Point No.1 to 4 in the **Negative**.

14. **POINTS No.5:-** In view of the above findings, I proceed to pass the following order:-

: O R D E R :

In the exercise of powers U/S.255(1) of Cr.P.C., accused No.1 to 13 are acquitted of the offences punishable U/S. 341, 323, 504 and 506 R/w 34 of IPC.

The accused No.1 and 2 are set at liberty. Bail bond of accused No. 1 and 2 and surety stands to continue till the 6 months as per the amended provision of 437(A) of Cr.P.C.

(Dictated to the Typist-Copyist, transcribed by him, then corrected by me and pronounced in open court on this the 8th DAY of June-2026)

(Abhishek Ramachandra Joshi)

Civil Judge & JMFC, Chittapur.



: ANNEXURE :

LIST OF WITNESSES EXAMINED FOR PROSECUTION:-

PW.1 : Gangibai D/o Shankar Rathod,

LIST OF WITNESSES EXAMINED FOR DEFENSE:-

- NIL -

LIST OF DOCUMENTS MARKED FOR PROSECUTION:-

Ex. P.1 : Complaint.

LIST OF DOCUMENTS MARKED FOR DEFENSE:-

-NIL-

LIST OF MATERIAL OBJECTS:-

-NIL-

Civil Judge & JMFC, Chittapur.

