



Presented on : 01-04-2021
Registered on : 01-04-2021
Decided on : 06-04-2026
Duration : 5 years 0 months 5 days

**IN THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC AT
SEDAM.**

:Present:

Sri. Sagar Gurugouda Patil, B.A.LL.B(Spl)

Senior Civil judge and JMFC, Sedam

Dated this the 6th day of April-2026

Criminal Case No.16/2024(Old case No.1161/2021)

Complainant :

The State through the
Mudhol Police Station,
Mudhol.

//Versus//

Accused Persons:

- 1) Tayappa S/o Mareppa Waddar, Age: 65 years, Occ: Agriculture, R/o Kontanpalli Gate, Tq: Sedam. **(Abated)**
- 2) Raju S/o Tayappa Waddar, Age: 26 years Occ: Coolie, R/o Kontanpalli Gate, Tq: Sedam.
- 3) Akkamma W/o Tayappa Waddar, Age: 62 years, Occ: Household, R/o Kontanpalli



Gate, Tq: Sedam.

1. Date of commission of offence	11-01-2021
2. Date of report of offence	12-01-2021
3. Date of arrest of accused	---
4. Name of Complainant.	Sri. Mohammed Khaja
5. Date of recording evidence	05-08-2024
6. Date of closing evidence	08-01-2026
7. Offence complained off	U/s.323, 324, 504 & 506 R/w 34 of IPC.
8. Opinion of the Judge	Accused 2 & 3 are acquitted
9. Complainant represented by	Learned A.P.P.
10. Accused defended by	Sri.A.M. Advocate

* * *

: J U D G M E N T :

The accused 1 to 3 have faced trial for the offences punishable U/s.323, 324, 504, 506 R/w 34 of Indian Penal Code on the basis of charge sheet laid down by Mudhol Police Station in Crime No.01/2021.

2. The prosecution case in brief is as under:-

It is alleged by the prosecution that on 11.01.2021 at about 4-00 p.m. near Kontanpalli Gate, within the jurisdiction of Mudhol



Police Station, When CW.1 asked the deceased accused No.1 stating that why you are quarreling with CW.4 in the Hotel, then deceased accused No.1 and accused No.2 to 3 in furtherance of common intention picked up quarrel with CW.1 and abused him in filthy language and accused No.1 caught hold of CW.1 tightly the accused No.2 assaulted CW.1 with hands on this stomach and chest and caused internal injuries and accused No.3 bitten CW.1 with teeth to his left thumb and caused bleed injury. The accused person threatened the life of CW.1 with dire consequences of life. It is alleged that accused persons have committed offence punishable U/s.323, 324, 504, 506 R/w Sec.34 of IPC.

3. On the basis of Statement given by CW.1 informant, the Mudhol police have registered a case against the accused persons in Crime No.01/2021 and registered the FIR for the offences punishable U/s.323, 324, 504 & 506 R/w 34 of IPC. The SHO of Mudhol police Station took up the investigation and after completion of investigation, has submitted the charge sheet against the accused 1 to 3 for the aforesaid offences.



4. After receipt of charge sheet, as there are sufficient materials in the charge sheet to proceed against the accused persons, hence cognizance was taken for the offences punishable U/s.323, 324, 504, 506 R/w 34 of IPC against the accused persons and the summons was issued to the accused persons.

5. In pursuance of summons, the accused No.1 to 3 appeared before the court through counsel and the accused persons were on bail. Copy of charge sheet papers were furnished to the accused as contemplated U/s.207 of Cr.P.C. As there are materials to frame charge against the accused No.1 to 3, the charges were framed for the offences punishable U/s.323, 324, 504, 506 R/w 34 of IPC. The same were read over and explained to the accused No.1 to 3 in the language known to them. Accused No.1 to 3 pleaded not guilty and claim to be tried. Thereafter case was set for evidence of prosecution.

6. In order to prove the guilt against the accused persons, the prosecution has examined 4 witnesses as PW.1 to 4 and got marked 3 documents as Ex.P.1 to 3. After examination of the above



said witnesses, the APP prayed to issue process to other witnesses but since the materials witnesses examined by the prosecution did not support the prosecution case, as such by the examination of other witnesses, the purpose of the prosecution would not have been served. Therefore, the prayers of the APP was rejected, the said witnesses were dropped and the prosecution evidence was taken as closed.

7. During the pendency of case the accused No.1 reported as dead and hence case against accused No.1 is abated. Accused No.2 and 3 have been examined under Section 313(1)(b) of Cr.P.C. Incriminating material appearing in the prosecution evidence has been brought to the notice of the accused, who denied the same. Accused did not choose to lead evidence.

8. Heard the arguments of learned APP and the learned counsel for the accused persons. Perused the materials available on record.

9. On going through the facts and circumstances of the prosecution case, the following points would arise for consideration



by this court.

POINTS

1. Whether the prosecution proves that on 11-01-2021 at about 4-00 p.m. near Kontanpalli Gate, within the jurisdiction of Mudhol Police station, When CW.1 asked deceased accused No.1 stating that why you are quarreling with CW.4 in the Hotel the accused 1 to 3 in furtherance of common intention picked up quarrel with CW.1 and accused No.1 caught hold of CW.1 tightly and accused No.2 assaulted CW.1 with hands on his stomach and chest and caused injuries and thereby committed an offence punishable U/s.323 R/w Sec.34 of IPC?
2. Whether the prosecution proves that on the above said date, time and place of offence deceased accused 1 along with accused No.2 and 3 in furtherance of common intention picked up quarrel with CW.1 and accused No.3 bitten CW.1 with teeth to his left thumb and caused bleeding injuries and thereby committed an offence punishable U/s.324 R/w Sec.34 of Indian Penal Code?



3. Whether the prosecution proves that on the above said date, time and place of offence deceased accused 1 along with accused No.2 and 3 in furtherance of common intention picked up quarrel with CW.1 and accused No.1 and 2 abused CW.1 in filthy language stating that "ಸೂಳೆ ಮಗನೇ ನೀನ್ಯಾರು ನಮಗೆ ಕೇಳುವವನು ನಿನಗೆ ಬಹಳ ಸೊಕ್ಕು ಬಂದಿದೆ" knowing it to be likely that such provocation will cause him to break the public peace or to commit any other offences and thereby committed an offence punishable under section 504 R/w Sec.34 of Indian Penal Code?
4. Whether the prosecution proves that on the above said date, time and place of offence deceased accused 1 along with accused No.2 and 3 in furtherance of common intention and had committed the act of criminal intimidation by threatening the life of CW.1 stating that "ಏ ಸೂಳೆ ಮಗನೇ ಇನ್ನೊಮ್ಮೆ ನಮ್ಮ ಹೆಸರಿಗೆ ಬಂದರೆ ನೀನಿಗೆ ಜೀವ ಸಹಿತ ಬಿಡುವುದಿಲ್ಲ" with dire consequences and thereby committed an offence punishable under section 506 R/w Sec.34 of Indian Penal Code?



5. What order?

10. My answer on the above points is 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 : As per final order,
for the following:

REASONS

11. Point No. 1 to 4: Since these points interlinked to each other and hence taken together for commons discussion.

12. It is alleged by the prosecution that on 11.01.2021 at about 4-00 p.m. near Kontanpalli Gate, within the jurisdiction of Mudhol Police Station, When CW.1 asked the deceased accused No.1 stating that why you are quarreling with CW.4 in the Hotel, then deceased accused No.1 and accused No.2 to 3 in furtherance of common intention picked up quarrel with CW.1 and abused him in filthy language and accused No.1 caught hold of CW.1 tightly the accused No.2 assaulted CW.1 with hands on this stomach and chest



and caused internal injuries and accused No.3 bitten CW.1 with teeth to his left thumb and caused bleed injury. The accused person threatened the life of CW.1 with dire consequences of life.

13. In order to prove the case of the prosecution, the prosecution has examined 4 witnesses as PW.1 to 4 and got marked 3 documents as Ex.P.1 to 3.

14. CW.5/PW.3 who is one of the eye witnesses has deposed that CW.1 is his relative. CW.6 is his younger sister. CW.7 and 8 are his villagers. He know the accused persons. 4 years back in the morning hours quarrel took place between CW.1 and accused persons in his Hotel at Kontanpalli Gate. Accused No.1 and 2 assaulted CW.1. He himself and CW.7 and 8 pacified the quarrel. On perusal and comparision of the 161 statement of PW.3 and the above deposition it becomes clear that in the 161 statement PW.3 stated that quarrel took place o 11.01.2021 at 4 in the evening near his house. But in the chief examination he has stated the time and place of offence different from the one stated in this 161 statement. The same reveals that the evidence PW.3 is having contradictions



and material omissions. Therefore, evidence is required to corroborate the evidence of PW.3.

15. In this regard evidence of CW.1/PW.4 who is complainant and victim is available. In his examination in chief PW.4 has deposed that there was no quarrel took place between them and accused persons and he did not know the contents of Ex.P2. The learned APP has cross examined PW.4 but nothing material is elicited. It is pertinent to note that the PW.3 has stated that accused assaulted PW.4 but PW.4 himself has turned hostile to the case of the prosecution and denied that quarrel took place between him and the accused persons. Therefore, the evidence of PW.3 cannot be believed.

16. PW.1/CW.2 and PW.2/CW.3 are the pancha witnesses and they have deposed in their examination in chief that they identified their signatures appearing in Ex.P.1 panchanama. They further deposed that they did not know the contents of Ex.P.1 and further did not know that on which date, time they signed the Ex.P.1 but they signed the same in the police station.



17. On perusal of evidence of PW.1 to 4 it is found that there is no incriminating evidence on record to hold the guilt of accused persons for the alleged offences as such, considering all these aspects and totality of circumstances, this court is of the considered opinion that the prosecution has failed to prove the guilt of the accused persons and the charge leveled against them. Therefore, this court answer point No. 1 to 4 in the Negative.

18. Point No.5: For the foregoing reasons, I proceed to pass the following:

ORDER

In exercise of the power conferred U/Section 248(1) Criminal Procedure Code accused No.2 and 3 are acquitted for the offences punishable under Sections 323, 324, 504, 506 R/w 34 of IPC.

Bail bonds and surety bonds of accused stand cancelled.

(Directly dictated to the Stenographer, typed by him, the computer script thereof is corrected, revised and then pronounced by me in open court, on this the 6th day of April-2026)

(Sagar Gurugouda Patil)
Senior Civil Judge & JMFC., Sedam



ANNEXURES

WITNESSES EXAMINED ON BEHALF OF PROSECUTION:

PW.1 : Moulana Sab S/o Jani Miyan Godewale
PW.2 : Mehmood S/o Rasool Jamadar
PW.3 : Asif Pasha S/o Maqool Pasha
PW.4 : Md. Khaja S/o Md. Moulan

DOCUMENTS MARKED ON BEHALF OF PROSECUTION:

Ex.P.1 : Panchanama
Ex.P.1(a) : Signature
Ex.P.1(b) : Signature
Ex.P.2 : Complaint
Ex.P.3 : FIR

List of material objects got identified on behalf of prosecution:-

--Nil--

List of witnesses examined by the accused:

--Nil--

List of documents got exhibited by the accused:

--Nil--

Sr. Civil Judge & JMFC., Sedam.