



**IN THE COURT OF THE I ADDL. DISTRICT
AND SESSIONS JUDGE, KODAGU AT
MADIKERI.**

-:PRESENT:-

**SMT. MAMTAZ, M.A.LL.B, PGDCA
I Addl.District & Sessions Judge,
Kodagu-Madikeri.**

Dated this the 6th day of August, 2026

SESSIONS CASE No. 23/2023

**Complainant: The State of Karnataka,
By Police Inspector,
Siddapura Police Station,
Siddapura, Kodagu.

(By learned Public Prosecutor,
Madikeri)**

Vs.

**Accused : 1. Prabhushekara B.Y.,
S/o Yankappa,
Aged 55 years,

 2. Ravindra B.Y.,
S/o Yankappa,
Aged 52 years,

 3. Ananda Raghu,
S/o Yankappa,
Aged 52 years,

All are R/o Arekadu village,
Madikeri Taluk, Kodagu District.**

**(By Sri. P.Krishna Murthy
Advocate)**

1.	Date of commission of the offence alleged	28.09.2022
2.	Offence complained off:	U/Secs. 506, 307, 324,326 & 427 R/w 34 of IPC
3	Name of the complainant:	Yashodhara D.B.
4.	Date of arrest of the accused	09.10.2022
5.	Date of committal Order passed by JMFC Court	07.02.2023
6.	Date of recording of the evidence	17.01.2024
7.	Date of closing of evidence	05.08.2025
8.	Date of Judgment	06.08.2026
9	Opinion of the Judge	Accused persons are acquitted for the alleged offences.

sd/xxx

(MAMTAZ)

I Addl. District and Sessions Judge,
Kodagu-Madikeri.

:- J U D G M E N T :-

The present charge sheet has been submitted by the Police Inspector Siddapura police upon a grave set of allegations. The accused persons have been arraigned for the offences punishable under Sections 506, 307, 324, 326 and 427 R/w 34 of IPC.

2. The brief facts of the prosecution case is that on 28.09.2022 at about 09:00 p.m. while CW.1 and 2 were having tea at Ismail's Hotel, at Siddapura, the accused persons, in furtherance of their common intention, criminally intimidated CW.1 by issuing life threats. It is alleged that accused No.1 struck CW.1 with a sickle causing grievous injuries. When CW.2 intervened to rescue CW.1, the accused No.2 assaulted CW.2 with a chopper, causing simple injuries. Furthermore, accused No.2 and 3 acting with the intention to commit murder assaulted the victims with choppers and all the accused deliberately struck and shattered the front windshield glass of the jeep belonging to CW.1 causing property damage to the tune of ₹4,869 /- thereby the accused are alleged to have committed the offences as stated above.

3. The accused persons are in bail. After the investigation, the police have filed the charge sheet against the accused persons.

4. Heard the counsel for the accused persons and the prosecution and found sufficient material to frame the charge. Accordingly, my predecessor-in-office had framed the charge. The accused persons pleaded not guilty and claims to be tried.

5. The Prosecution in all cited 31 witnesses, but examined only 22 witnesses as PW.1 to PW.22 and got marked 34 documents exhibited as Ex.P.1 to Ex.P.34 and material objects MO-1 to 13 have been marked. Accused marked Exhibit D.1 to Ex.D.7 through confrontation on behalf of the accused persons.

6. After completion of the evidence on prosecution side the statement of the accused U/Sec. 351 of BNSS., is recorded. The accused persons denied the incriminating evidence adduced against them, but not chosen to lead any evidence.

7. This Court has heard the arguments of both sides and perused records carefully.

8. In the light of above materials and allegation of prosecution, following points arises for my consideration:-

∴ POINTS ∴

1 Whether the prosecution proves beyond all reasonable doubt that, on 28.09.2022 at 9.00 a.m., in the hotel of Ismail situated at Arekadu village, when the CW.1 and 2 were having Tea at that time the accused No.1 to 3 in furtherance of their common intention came there with an old grudge and threatened the life of CW.1 and 2 with dire consequences and thereby the accused persons have committed an offence p/u/Sec.506 r/W Sec. 34 of IPC?

2. Whether the prosecution proves beyond all reasonable doubt that, the accused persons in furtherance of their common intention, the accused No.1 assaulted the CW.1 by using weapon like sickle and voluntarily caused grievous hurt to CW.1 and thereby the accused persons have committed an offence p/u/Sec.326 r/W Sec. 34 of IPC?

3. Whether the prosecution proves beyond all reasonable doubt that, the accused persons in furtherance of their common intention, the accused No.2

assaulted the CW.2 by using sickle and accused No.2 and 3 assaulted the CW.1 with sickle and voluntarily caused simple hurt to CW.1 and 2 and thereby the accused persons have committed an offence p/u/Sec. 324 R/W Sec.34 of IPC?

4. Whether the prosecution proves beyond all reasonable doubt that, the accused persons in furtherance of their common intention, the accused persons caused damages to the front glass of the jeep of CW.1 and caused loss for a tune of Rs.4,869/- and committed mischief and thereby the accused persons have committed an offence p/u/Sec. 427 R/W Sec. 34 of IPC?

5. Whether the prosecution proves beyond all reasonable doubt that, the accused persons in furtherance of their common intention, the accused persons with an intention of committing murder of CW.1 assaulted the CW.1 with sickle and caused simple and grievous hurt and attempted to commit murder and thereby the accused persons have committed an offence p/u/Sec. 307 R/W Sec. 34 of IPC?

6. What Order?

9. My finding on the above points are as follows:

Point No.1 to 5 : In the Negative

Point No.8 : As per the final Order,
for the following:-

∴ REASONS ∴

10. **POINT No.1 to 5 :-** Since these points are interlinked with each other, for the sake of convenience and to avoid of repetition of facts, these points are taken taken up together for discussion.

11. The case at hand Is a case to the proceedings initiated by the complainant against the accused which is currently numbered as Sessions case after committal.

12. Before embarking upon an appreciation of the facts and the oral and documentary evidence on record, it is crucial to note at the very outset that key prosecution witnesses have turned completely hostile. Specifically, PW.4/CW.4 and PW.5/CW.5 who are cited as eye witnesses to the alleged occurrence, as well as PW.6/CW.7, PW.7/CW.8, PW.8/CW.9, PW9/CW11, and PW.10/CW.10 who were cited as attesting

witnesses to the seizure mahazar have resiled from their previous statements given to the police and failed to support the case of the prosecution in any manner.

13. All the aforementioned witnesses were declared hostile by the court at the request of the Public Prosecutor. Though the learned Public Prosecutor cross-examined them at length, nothing material could be elicited from their mouths to corroborate the prosecution version or impeach their credibility. Their categorical denial of the entire incident and the recovery panchanamas strikes at the very root of the matter and proves fatal to the case of the prosecution.

14. Although the prosecution cited PW.3/CW.3 as an eyewitness to the occurrence, a perusal of his evidence reveals that he did not personally witness the alleged assault. In his examination-in-chief, PW.3 deposed that he merely

came to know from others that PW.1 had fallen behind the hotel following an assault by the accused. Thus it is abundantly clear that PW.3 is not an eyewitness to the incident, but merely a hearsay witness whose role was limited to shifting PW.1 to the hospital for medical treatment.

15. Furthermore in his cross-examination, PW.3 specifically admitted that he had not witnessed the alleged incident. He further unequivocally stated that he did not see any of the accused persons at the spot on the date and time of the occurrence.

16. Thus, it is abundantly clear that PW3 is not an eye witness to the occurrence, and his testimony fails to lend any credence to the prosecution case or establish the guilt of the accused persons beyond reasonable doubt for the alleged offences.

17. It is pertinent to note that PW.1 has supported the case of the prosecution. As per PW.1, accused No.2 and 3 were stood behind the hotel and when he tried to run from the backside of the hotel, the accused No.2 and 3 were stood there with sickle and when he fell down, the accused No.2 had given blow to his right leg and accused No.3 had given assault to his right hand back side of the right hand and waist. PW1 in his chief examination deposed as follows:-

ದಿನಾಂಕ 28-09-2022 ರಂದು ನಾನು ಚಾಸಾ-2 ಅರೇಕಾಡು ಕಾಲೋನಿಯಲ್ಲಿ ಸಾವಿನ ಮನೆಗೆ ಹೋಗಲು ನನ್ನ ಜೀಪಾದ KA-31-M-0210 ಜೀಪಿನಲ್ಲಿ ಹೊರಟು ಕಲ್ಲುಬಂಗಲೆಯಲ್ಲಿ ಇರುವ ಚಾಸಾ-5 ರವರ ಹೋಟೆಲಿಗೆ ಚಹ ಕುಡಿಯಲು ಹೋಗಿದ್ದೆನು. ಹೋಟೆಲಿನ ಒಳಗೆ ಬಾಗಿಲಿನ ಪಕ್ಕದಲ್ಲಿ ಬೇಂಚಿನಲ್ಲಿ ಕುಳಿತುಕೊಂಡಿದ್ದಾಗ ಬೆಳಿಗ್ಗೆ ಸುಮಾರು 9.00 ಗಂಟೆ ಸಮಯಕ್ಕೆ ಆರೋಪಿತರು ಅಲ್ಲಿಗೆ ಬಂದು ಪ್ರಭುಶೇಖರ್ ರವರ ಉದ್ದನೆ ಕತ್ತಿಯಿಂದ ನನ್ನ ಕುತ್ತಿಗೆಯ ಭಾಗಕ್ಕೆ ಹಲ್ಲೆ ಮಾಡಲು ಪ್ರಯತ್ನಿಸಿದಾಗ ನಾನು ನನ್ನ ಎರಡು ಕೈಗಳಿಂದ ತಡೆದೆ. ಆ ಸಂದರ್ಭದಲ್ಲಿ ನನ್ನ ಎರಡು ಕೈಗಳಿಗೆ ಮತ್ತು ರಟ್ಟೆಗಳಿಗೆ ಗಾಯವಾಯಿತು. 1ನೇ ಆರೋಪಿ ನನಗೆ ಏಳಿಂಟು ಬಾರಿ ಕೈಗೆ ಕಡಿದಿರುತ್ತಾರೆ. ಹೋಟೆಲಿನ ಹಿಂಭಾಗದಲ್ಲಿ ನಾನು ಓಡಲು ಪ್ರಯತ್ನಿಸಿದಾಗ ಹಿಂದಿನ ಬಾಗಿಲಲ್ಲಿ 2ನೇ ಹಾಗೂ 3ನೇ

ಆರೋಪಿಗಳು ಕತ್ತಿ ಹಿಡಿದುಕೊಂಡು ನಿಂತಿದ್ದರು. ಅಲ್ಲಿ ನಾನು
ಬಿದ್ದಾಗ 2ನೇ ಆರೋಪಿ ನನ್ನ ಬಲಗಾಲಿಗೆ ಕತ್ತಿಯಿಂದ ಕಡಿದರು.

18. It is pertinent to note that the material allegation that accused No.2 and 3 stood armed with weapons at the rear of the hotel while the accused attempted to flee is conspicuously absent in the initial complaint marked as Exhibit P.1. This assertion is an ex-face improvement made by PW.1 for the first time during his chief examination in chief, which severely undermines the credibility of his ocular version.

19. It is pertinent to note that this material improvement made by CW.1/PW.1 fails to advance the case of the prosecution, on the contrary, it casts serious doubt and suspicions over the credibility of the PW.1's testimony and the overall genuineness of the prosecution case.

20. It is pertinent to note that PW.1 stated in his initial complaint Exhibit P.1 that he was

proceeding in his jeep toward Ambedkar colony. However during his examination in chief before this court he completely altered his version and deposed that his destination was Arekadu colony. This material discrepancy demonstrate that PW.1 is frequently shifting his stance between his initial statement and his testimony before the court, thereby significantly impairing his credibility as a reliable witness.

21. When the PW.1, who is the complainant, frequently shifts his stance and departs materially from his initial statement Exhibit P.1, his version becomes inherently untruthful and untrustworthy. In the absence of independent corroboration, no solemn reliance can be placed on such vacillating testimony to record a conviction against the accused.

22. It is pertinent to note that although PW.1 and the prosecution assert that the accused broke

the front glass of jeep using weapons, the investigating agency failed to seize the broken glass pieces from the scene of the occurrence. The prosecution has offered no explanation whatsoever for this crucial omission. The non-seizure of the broken glass pieces constitutes a fatal flaw in the investigation, severing the link between the alleged act of the mischief and the physical evidence, thereby dealing a fatal blow to the prosecution case.

23. It is pertinent to note that the learned counsel for the accused drawn the attention of this court to Exhibit P.1 complaint and submitted that the time of 09:00 a.m. was subsequently added to the document. Upon a careful perusal and judicial inspection of Exhibit P.1, it is manifest that the time 09:00 a.m. is indeed a subsequent insertion and interpolation in the initial complaint, which further undermines the authenticity of the document and casts serious suspicion on the timings of its registration.

24. Further, the learned counsel for the accused drawn the attention of this Court to the second page of Exhibit P.1 complaint, wherein the timings and the date recorded underneath have been visibly altered. Upon a meticulous judicial examination of the second page of Exhibit P.1, this Court observes clear over writings and material alterations in both the specified timings and the date. Such unauthenticated interpolations severally impair the genuineness and evidentiary value of the complaint, raising serious suspicion regarding its contemporaneous creation.

25. It is pertinent to note that while the prosecution case posits that the accused persons also assaulted PW.2, the testimony of PW.1 contains no such narration. PW.1 has nowhere deposed that the accused assaulted PW.2 during the incident. This conspicuous omission in the testimony of the star witness PW.1 severely

undermines the prosecution narrative and renders the alleged assault of PW.2 highly suspicious and unproven.

26. As per the complaint Exhibit P.1 and the prosecution case, the alleged incident took place exclusively inside the hotel. However, during his examination in chief, PW.1 materially expanded the scene of occurrence by deposing that the assault took place both inside and outside the hotel. Notably, no spot mahazar was prepared by the investigating agency to substantiate an assault occurring outside the hotel premises nor is there any independent evidence on record to corroborate this version. This represent an uncorroborated material improvement made by PW.1, which carries no sanctity in the eye of law and fails to support the prosecution case.

27. As per the complaint Exhibit P.1 and the prosecution case, the incident occurred at about

09:00 a.m. on 28.09.2022. However, a perusal of the wound certificate of Yashodara, Exhibit P.22, shows that the doctor examined the patient at 09:00 a.m. on 28.10.2022. This major contradiction in time and date creates grave suspicions over the prosecution version.

28. It is pertinent to note that according to the prosecution case and the initial complaint Exhibit P.1, the alleged occurrence took place at approximately 09:00 a.m. on 28.09.2022. However, a perusal of the wound certificate Exhibit P.22 reveals that the medical officer examined the patient 09:00 a.m. on 28.09.2022.

29. It is pertinent to note that according to the prosecution case, the alleged incident occurred at approximately 09:00 a.m. on 28.09.2022. However, a perusal of the wound certificate Exhibit P.22 reveals that the injured Yashodara, PW.1, was examined by the medical officer at the exact same

time namely 09:00 a.m. on 28.09.2022. It is a physical impossibility for the injured to be simultaneously present at the scene of the occurrence and undergoing medical examination at the hospital at the very same moment. This irreconcilable conflict severally impeaches the authenticity of Exhibit P.22 and casts a heavy cloud of suspicion over the entire prosecution narrative.

30. It is pertinent to note that in his cross examination PW.1 deposed as follows:

ಆ ಬಳಿಕವೂ ಸಹ ನಾನು ನನ್ನ ಮನೆಯವರಿಗೆ ಫೋನ್ ಮಾಡಿ ಮೇಲೆ ಹೇಳಿದ ವಿಚಾರವನ್ನು ಹೇಳಿರಲಿಲ್ಲ ಏಕೆಂದರೆ ಆರೋಪಿಗಳು ನನ್ನ ಕಾಲಿಗೆ ಹಲ್ಲಿ ಮಾಡುವ ಸಂದರ್ಭದಲ್ಲಿ ನನ್ನ ಫೋನ್ ಒಡೆದು ಹೋಗಿತ್ತು. ನನ್ನ ಫೋನ್ ಒಡೆದು ಹೋದ ವಿಚಾರವನ್ನು ನಾನು ಇದೇ ಮೊದಲಬಾರಿಗೆ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ನುಡಿಯುತ್ತಿದ್ದೇನೆ ಎಂದರೆ ಸಾಕ್ಷಿ ನಾನು ಅದನ್ನು ಪೊಲೀಸರಿಗೆ ಹೇಳಿದ್ದೇನೆ ಎಂದು ನುಡಿಯುತ್ತಾರೆ. ಪೊಲೀಸರು ನನ್ನ ಮೊಬೈಲ್ ಫೋನ್ ನ್ನು ತೆಗೆದುಕೊಂಡಿದ್ದಾರೆ. ನ್ಯಾಯಾಲಯದಲ್ಲಿ ನಾನು ಸದರಿ ಮೊಬೈಲ್ ಫೋನ್ ನ್ನು ನೋಡಿ ಗುರುತು ಹಿಡಿದಿಲ್ಲ. ಸಿದ್ಧಾಪುರ ಪ್ರಾಥಮಿಕ ಆರೋಗ್ಯ ಕೇಂದ್ರದಲ್ಲಿ ಪೊಲೀಸರು ಬಂದು ನನ್ನ ಹೇಳಿಕೆ ಪಡೆದುಕೊಂಡಿಲ್ಲ.

31. Upon a perusal of the above testimony of PW.1, it emerges that he deposed regarding his mobile phone being broken during the occurrence. Notably, this alleged damaged mobile phone was never seized by the investigating agency, nor was this allegation disclosed at any prior stage, having been brought forth for the very first time before this court. This constitutes yet another uncorroborated improvement by PW.1. A comprehensive evaluation of his evidence reveals that PW.1 has persistently embellished and altered his version on every material fact and from every angle, without receiving any corroboration from the independent witnesses or the objective material on record.

32. It is pertinent to note that PW.2, who is projected as an injured eyewitness, deposed that the incident occurred both inside and outside the hotel. However, there is no independent or objective evidence on record to corroborate this assertion. Moreover, this second spot outside the hotel finds

no mention in the initial complaint lodged by PW.1, nor did the investigating officer conduct any investigation or draw a spot mahazar in respect of the alleged scene. This material discrepancy and fatal omission strike at the very root of the prosecution case.

33. PW.1 and PW.2 have deposed for the very first time before this court that the accused also assaulted them outside the hotel premises. This version regarding an assault occurring outside the hotel finds no place in the initial complaint or in their previous statements. These uncorroborated material improvements made by PW.1 and PW.2 strike at the very core of the prosecution narrative and prove fatal to the prosecution case.

34. PW.2 further in cross-examination deposed as follows:

ಮು.ಮಾ-1, ಮು.ಮಾ-2 ಮತ್ತು ಮು.ಮಾ-6
ನು ನನಗೆ ಸಿದ್ದಾಪುರ ಆಸ್ಪತ್ರೆಯಿಂದ ಯಾರು ಕೊಟ್ಟರು
ಎಂದು ಗೊತ್ತಿಲ್ಲ.

35. It is pertinent to note that while PW.2 deposed during his examination in chief that he personally produced MO.1, MO.2 and MO.6 to the police at the hospital, he completely resiled from this version during the cross-examination and admitted that he does not know who actually produced those material objects before the police. This glaring contradiction and shifting stance of PW.2 demonstrate that he has no genuine knowledge regarding the recovery or production of MO.1, MO.2 and MO.6, thereby entirely discrediting his testimony in respect of the seizure of these material objects.

36. It is pertinent to note that although PW.11 to PW.14 have been examined before this court, their testimony is largely formal in nature and fails to offer the necessary substantive corroboration required to establish the commission of the offence or to prove the guilt of the accused persons beyond reasonable doubt.

37. It is pertinent to note that although Medical Officer PW.16 was examined by the prosecution, he specifically admitted in his cross-examination that in the initial patient history recorded by him the cause of injury was documented as an accident report rather than a medico-legal case. This admission directly contradicts the prosecution's theory of a deliberate assault with dangerous weapons and completely destroys the evidentiary value of the medical record.

38. In his arguments, the learned counsel for the accused vehemently submitted that PW.1 and PW.2 sustained mere accidental injuries, as explicitly recorded in the initial accident report prepared by PW.16. It was further contended that owing to pre-existing grudge and enmity against the accused persons, PW.1 and PW.2 concocted a false narrative to teach them a lesson, resulting in the foisting of this fabricated prosecution case.

39. To substantiate this contention, PW.16 was subjected to cross-examination wherein he deposed as under:-

ಗಾಯಗಳನ್ನು ನೋಡಿದಾಗ ಗಾಯಗಳು ತಾನಾಗಿಯೇ ಮಾಡಿಕೊಂಡಿದ್ದಾ, ಅಪಘಾತದಿಂದ ಆದ್ದದ್ದೋ ಅಥವಾ ಹಲ್ಲಿಯಿಂದ ಆದ್ದದ್ದೋ ಎಂದು ನನಗೆ ಹೇಳಲು ಆಗುವುದಿಲ್ಲ ಎಂದರೆ ಸಾಕ್ಷಿ ತಾನೇ ಮಾಡಿಕೊಳ್ಳುವ ಸಾಧ್ಯತೆ ಇಲ್ಲ ಎಂದು ನುಡಿಯುತ್ತಾರೆ. ಆದರೆ ಹಲ್ಲಿ ಅಥವಾ ಅಪಘಾತದಿಂದ ಆಗುವ ಸಾಧ್ಯತೆ ಇದೆ ಎಂದು ನುಡಿಯುತ್ತಾರೆ.

40. As per the above testimony, the Medical Officer explicitly admitted that injuries of the nature found on the victims could be caused in a road traffic accident. Consequently, the defence plea that the injuries were accidental in origin stands duly corroborated by the expert testimony of the prosecution's own medical witness.

41. The Forensic Officer, who was examined as PW.17, scientifically examined the seized articles, she has failed to state whether the blood detected belongs to a positive or negative blood group. The the absence of a conclusive determination regarding

the specific blood group and RH factor, the forensic evidence fails to establish a direct nexus between the blood stains on the seized material objects and the accused or the victim.

42. The Investigating Officer PW.21, was subjected to detailed cross examination by the learned counsel for the accused. PW.21 deposed in his evidence as follows:-

ದಿಃ 28-09-2022 ರಂದು ಬೆಳಿಗ್ಗೆ 9.30 ಗಂಟೆಗೆ ಸಿದ್ಧಾಪುರ ಸಮುದಾಯ ಆರೋಗ್ಯ ಕೇಂದ್ರದಿಂದ ತಾಣೆಗೆ **MLC intimation** ಬಂದಿತ್ತು. ಸಾಕ್ಷಿ ಪುನಃ ಸದರಿ ದಿನ ಬೆಳಿಗ್ಗೆ 10.15 ಗಂಟೆಗೆ **MLC intimation** ಬಂದಿತ್ತು ಎನ್ನುತ್ತಾರೆ. ಸದರಿ **MLC intimation** ಬಂದ ವಿಷಯವನ್ನು ನನಗೆ ತಿಳಿಸಲಾಗಿತ್ತು. ನಿಪಿ-28 ರ ಕಾಲಂ 3(ಬಿ) ರಡಿ ತಾಣೆಯಲ್ಲಿ ವರ್ತಮಾನ ಸ್ವೀಕರಿಸಿದ ಸಮಯ ದಿಃ 28-09-2022 ರ ಮಧ್ಯಾಹ್ನ 2.00 ಗಂಟೆ ಎಂದು ಕಾಣಿಸಲಾಗಿರುತ್ತದೆ. ದಿಃ 28-09-2022 ರಂದು ಘಟನೆಯ ಬಗ್ಗೆ ಮಧ್ಯಾಹ್ನ 2.00 ಗಂಟೆಗೆ ಮಾಹಿತಿ ಬಂದಿರುತ್ತದೆ ಎಂದು ನಿಪಿ-28 ರಲ್ಲಿ ಕಾಣಿಸಿರುವುದು ಸುಳ್ಳು ಎಂದರೆ ಸರಿಯಲ್ಲ.

43. In his cross examination PW.21 initially deposed that he received the MLC intimation on 28.09.2022 at about 09:30 a.m., but subsequently prevaricated to state that he received the same at

about 10:15 a.m. on the same day. However, a perusal of Exhibit P.28 FIR reveals that under column No. 3 (b), the time of the receipt of the information at the police station is explicitly recorded as 02:00 p.m. and it was admitted by the above witness. PW21 has offered no explanation whatever whatsoever for failing to record the statement of the informant or the injured immediately upon the receipt of the earlier information at 09:30 a.m. or 10:15 a.m. Neither the prosecution nor the Investigating Officer has furnished any plausible explanation to reconcile this glaring discrepancy, thereby casting doubt on the genuine origin and promptness of the FIR.

44. It is astounding to note that Exhibit P.2 spot mahazar was drawn even before the FIR was forwarded to the learned Judicial Magistrate. This serious procedural flaw was explicitly admitted by PW.21 during his cross-examination. He deposed as follows:-

34. ನ್ಯಾಯಾಧೀಶರಿಗೆ ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿ ತಲುಪುವ ಮುಂಚೆಯೇ ಅಂದರೆ ದಿ: 28-09-2022 ರ ಸಂಜೆ 4.00 ಗಂಟೆಯಿಂದ 5.00 ಗಂಟೆಯವರೆಗೆ ನಿಪಿ-2 ನ್ನು ಬರೆಯಲಾಗಿತ್ತು ಎಂದು ನಿಪಿ-2 ರಲ್ಲಿ ನಮೂದು ಇರುತ್ತದೆ ಎಂದರೆ ಸರಿ.

45. Under the scheme of the Code of Criminal Procedure, upon registration of an FIR, the statutory mandate requires that it to be forthwith dispatched to the Magistrate having jurisdiction, whereafter the Investigating Officer is expected to proceed to the scene of the occurrence, conduct the investigation, and draw the spot mahazar. In the present case, reversing this mandatory sequence constitutes a grave procedural infirmity and demonstrates total negligence and lapses on the part of the Investigating Agency.

46. Further, PW.21 in his cross-examination deposed as follows:-

35. ಕೃತ್ಯ ನಡೆಯಿತು ಎನ್ನಲಾದ ಹೊಟೇಲ್ ನ ಒಳಭಾಗ ಮತ್ತು ಹೊಟೇಲ್ ನ ಹಿಂಭಾಗಲಿನ ತನಕದ ನೆಲದಲ್ಲಿ ಯಾವುದೇ ರಕ್ತದ ಕಲೆಗಳು ಇದ್ದ ಬಗ್ಗೆ ನಿಪಿ-2

ರಲ್ಲಿ ನಮೂದು ಇಲ್ಲ ಎಂದರೆ ಸರಿ. ನಿಪಿ-2 ರಲ್ಲಿ ರಕ್ತದ ಕಲೆಗಳು ಹೊಟೀಲ್ ನ ಒಳಭಾಗದಲ್ಲಿ ಕಂಡು ಬಂದಿರುವುದಿಲ್ಲ ಎಂದು ನಮೂದು ಮಾಡಿರುತ್ತೇನೆ ಸರಿ.

47. The Investigating Officer explicitly admitted that during his spot inspection he did not find any blood stains either inside the hotel premises or up to the rear door of the hotel. In a case where the prosecution alleges a brutal assault with deadly weapons resulting in severe bleeding injuries, the complete absence of blood stains at the locus criminis severely undermines the prosecution narrative and casts grave doubt on the occurrence of the incident at the alleged scene.

48. A meticulous review of the remaining case file reveals that all other witnesses cited and examined by the State are exclusively police officials and formal investigating personnel. It is a foundation rule of criminal law that while the testimony of the police officers is reliable for establishing procedural steps it cannot replace the

missing substantive links of the crime when natural material witness has turned hostile and there are Material discrepancies, glaring contradictions and vital improvements.

49. While the law is well settled that the evidence of an injured witness carries higher evidentiary weight, such testimony cannot be accepted at face value when it is riddled with uncorroborated embellishments and major omissions that go to the root of the prosecution case. The material improvements by PW.1 and PW.2 for the first time during their cross-examination and also in their chief-examination, particularly regarding the scene of the occurrence, the role of the individual accused and the unseized property render their ocular version untrustworthy and unsafe to form the sole basis of conviction.

50. Overall, a meticulous scrutiny of the entire evidence and the discussions made herein above

clearly establishes that the prosecution has shifted the scene of occurrence From time to time, introduced material improvements through its key witnesses, and committed serious lapses during the investigation. Furthermore, the registration of the FIR was unduly delayed despite prior receipt of information by the police from the hospital. These grave infirmities, omissions, and procedural lapses strike at the very root of the prosecution case constituting fatal defects.

51. It is further pertinent to note that the spot mahazar was drawn prior to the dispatch of the FIR to the Judicial Magistrate. Furthermore the broken glass pieces of the jeep were neither recovered nor seized by the investigating agency, thereby weakening the charge of the mischief. Crucially, a glaring chronological impossibility is apparent on record, at the time of the alleged incident and the medical examination of the witnesses are shown to be one and the same, with no explanation

whatsoever forthcoming from the prosecution. Weaving these cumulative infirmities in totality, it is evident that the prosecution has utterly failed to establish the guilt of the accused persons beyond all reasonable doubt, rendering them entitled to An acquittal.

52. Consequently, this court holds that the prosecution has completely and miserably failed to establish the guilt of the accused beyond all reasonable doubt. Hence, in view of this, I answer Points No.1 to 5 in the “**Negative**”.

53. **POINT NO.3:-** In the light of finding on above points, this court proceeds to pass the following:-

O R D E R

In exercise of power vested with this court **U/Sec.235(1) of Criminal Procedure Code** it is ordered that accused persons are **acquitted** for the offences punishable under **U/Sec. 506, 326, 324, 427 and 307 R/W Sec.34 of IPC.**

The bail bond of the accused persons and their surety shall stands canceled.

The material objects M.O. 1, 2 and 6 to 13 shall be destroyed as worthless after the expiry of appeal period.

The material objects M.O.3 to 5 shall be confiscated to the State after the expiry of appeal period.

(Dictated to the Stenographer Grade-III directly to the computer, typed by her, corrected and pronounced by me in the Open Court on this the 6th day of **August, 2026**)

sd/xxx

(MAMTAZ)

I Addl. District and Sessions Judge,
Kodagu-Madikeri

APPENDIX

THE WITNESSES EXAMINED FOR THE PROSECUTION:

PW.1	Yashodhara D.B.
PW.2	Appaiah B.N. @ Chandan
PW.3	Somanna C.K.
PW.4	Ashraf T.M.
PW.5	Harshad
PW.6	Siddiq
PW.7	Musthafa
PW.8	Ramesh
PW.9	Poonacha N.M.
PW.10	Kushalappa
PW.11	Krishnamoorthy
PW.12	Rajeshwari

PW.13	Vasanth Kumar
PW.14	Lakshmi Kantha
PW.15	Thammaiah
PW.16	Dr.Pavan Chand Shetty
PW.17	Dr.Radha S.
PW.18	Dr.Deepa Adiga
PW.19	Dr.Raghavendra
PW.20	Mohan K.P.
PW.21	Mohan Raj
PW.22	K.P.Ramachandra

THE DOCUMENTS EXHIBITED FOR THE PROSECUTION:

Ex.P.1	Complaint
Ex.P.1a	Signature of PW.1
Ex.P.1b	Signature of PW.20
Ex.P.1c	Signature of PW.21
Ex.P.2	Spot seizure mahazar
Ex.P.2a	Signature of PW.2
Ex.P.2b	Signature of PW.5
Ex.P.2c	Signature of PW.6
Ex.P.2d	Signature of PW.21
Ex.P.3	3 photos
Ex.P.4	One CD
Ex.P.5	Seizure mahazar
Ex.P.5a	Signature of PW.2
Ex.P.5b	Signature of PW.5
Ex.P.5c	Signature of PW.6
Ex.P.5d	Signature of PW.21
Ex.P.6	3 photos
Ex.P.7	Statement of PW.4
Ex.P.8	Mahazar
Ex.P.8a	Signature of PW.7
Ex.P.8b	Signature of PW.8

Ex.P.8c	Signature of PW.21
Ex.P.9	3 photos
Ex.P.10	One DVD
Ex.P.11	Seizure mahazar
Ex.P.11a	Signature of PW.9
Ex.P.11b	Signature of PW.10
Ex.P.11c	Signature of PW.15
Ex.P.11d	Signature of PW.21
Ex.P.12	One photo
Ex.P.13	One CD
Ex.P.14	Certificate U/Sec.65(B)
Ex.P.14a	Signature of PW.13
Ex.P.14b	Signature of PW.21
Ex.P.15	
Ex.P.15a	Signature of PW.14
Ex.P.16	Report
Ex.P.16a	Signature of PW.15
Ex.P.17	Wound certificate
Ex.P.17a	Signature of PW.16
Ex.P.17b	Signature of PW.21
Ex.P.18	3 X-rays
Ex.P.19	RFSL report
Ex.P.19a	Signature of PW.21
Ex.P.20	RFSL report
Ex.P.20a	Signature of PW.21
Ex.P.21	Blood group of PW.1
Ex.P.21a	Signature of PW.18
Ex.P.21b	Signature of PW.21
Ex.P.22	Wound certificate
Ex.P.22a	Signature of PW.19
Ex.P.22b	Signature of PW.21

Ex.P.23	Wound certificate
Ex.P.23a	Signature of PW.19
Ex.P.23b	Signature of PW.21
Ex.P.24	Opinion regarding weapon
Ex.P.24a	Signature of PW.19
Ex.P.24b	Signature of PW.21
Ex.P.25	Blood group of PW.2
Ex.P.25a	Signature of PW.19
Ex.P.26	Blood group of B.Y.Ravindra
Ex.P.26a	Signature of PW.19
Ex.P.26b	Signature of PW.21
Ex.P.27	Certificate
Ex.P.28	FIR
Ex.P.28a	Signature of PW.21
Ex.P.29	Voluntary statement of accused No.1
Ex.P.29a	Signature of PW.21
Ex.P.29b	Signature of PW.21
Ex.P.30	Voluntary statement of accused No.3
Ex.P.30a	Signature of PW.21
Ex.P.30b	Signature of PW.21
Ex.P.31	Discharge summary of PW.1
Ex.P.31a	Signature of PW.21
Ex.P.32	Verification certificate of vehicle
Ex.P.32a	Signature of PW.21
Ex.P.32b	Signature of PW.22
Ex.P.33	Blood group certificate of accused No.1
Ex.P.33a	Signature of PW.21
Ex.P.34	Blood group certificate of accused No.3
Ex.P.34a	Signature of PW.21

LIST OF WITNESSES EXAMINED ON BEHALF OF DEFENCE:

- NIL -

LIST OF DOCUMENTS EXHIBITED FOR THE DEFENCE:

Ex.D.1	Certified copy of FIR No.04/2021 and complaint
Ex.D.2	Certified copy of FIR No.01/2017 and complaint
Ex.D.3	Certified copy of FIR No.39/2024 and complaint
Ex.D.4	Certified copy of FIR No.57/2024 and complaint
Ex.D.5	Certified copy of complaint (PCR)
Ex.D.6	Certified copy of Election Petition No.03/2021
Ex.D.7	Voluntary statement of Krisnha Murthi

LIST OF MATERIAL OBJECTS MARKED:

M.O.1	Blood stained black colour jeans pant
M.O.2	Blood stained light green T-shirt
M.O.3 to 5	Sickles
M.O.6	Blood stained blue colour jeans pant
M.O.7	Blood stained mud pieces
M.O.8	Without blood stained sample mud pieces
M.O.9	Glass pieces of front side jeep
M.O.10	Blue and Ash coloured jeans pant
M.O.11	White, Blue and coffee coloured half sleeve T-shirt
M.O.12	Light Black coloured Terricot pant
M.O.13	Coffee coloured half sleeve T-shirt

sd/xxx

(MAMTAZ)**I Addl. District & Sessions Judge,
Kodagu-Madikeri**