



**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 2nd day of July, 2026

SESSIONS CASE No. 78/2023

**Complainant: The State of Karnataka,
By Inspector of Police,
Shanivarsanthe Police
Station, Shanivarsanthe
(By learned Public Prosecutor,
Madikeri)**

Vs.

**Accused : 1. Sannappa @ Dilaksha,
S/o Nagaiah,
Aged 44 years,

2. Lakshmi
W/o Sannappa,
Aged 37 years,

3. Nagaiah
S/o Rangaiah
Aged 73 years,

4. Kamalamma
W/o Nagaiah
Aged 70 years,**

5. Basavarajappa,

S/o late Mariyappa,

Aged 46 years,

6. Dhananjaya M.K**@ Shashank,**

S/o Kumar,

Aged 26 years,

7. Chidananda N.R.

S/o Rajahekaraiah,

Aged 39 years,

A-1 to 7 are residents of
 Kanagalu Village, Nakalgodu
 Post, Kodlipet Hobli,
 Somwarpet Taluk,
 Kodagu District.

**(A-1 to 4 by Sri. C.Sumanth
 Palaksha, A-5 by Sri.
 P.Krishnamurthy & A-6 & 7 by Sri.
 D.D.Chengappa,
 Advocates)**

1.	Date of commission of the offence alleged	18.07.2023
2.	Offence complained off:	Secs. 504, 323, 324, 354, 394 and 506 r/w Sec. 149 of IPC.
3	Name of the complainant:	Smt. Vedavathi
4.	Date of arrest of the accused No.1	13.06.2023
5.	Date of committal Order passed by JMFC Court	08.08.2023 and 16.10.2023
6.	Date of recording of the evidence	19.02.2025

7.	Date of closing of evidence	17.07.2025
8.	Date of Judgment	02.07.2026
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, Shanivarsanthe Police Station upon a grave set of allegations. The accused persons have been arraigned for the offences punishable under Sections 504, 323, 324, 354, 394 and 506 r/w Sec. 149 of IPC.

2. The brief facts of the prosecution case is that in the year 2018, CW.3 Lokesh submitted an application before the Concerned Revenue Authorities seeking the regularization of Paisari land situated in Sy.No. 30/1 in his name and CW.1 and CW.2 constructed a house therein and were residing therein. It is alleged that on 18.07.2023 early in the

morning CW,1 and CW.2 temporarily out of the house and upon their return at approximately 07:30 a.m. they discovered that the lock of the front door had been broke open and all the accused persons had committed house trespass and were present inside. When questioned by CW.1, the accused persons collectively hurled obscene abuses in filthy language, especially accused No. 5 to 7 actively subjected them to verbal abuse. It is further alleged that in furtherance of their common object all the accused persons physically assaulted CW.1 and 2 with hands and kicks. During the scuffle accused No.2 allegedly pestered the neck of CW.1 while accused No.5 assaulted CW.1 with a wooden stick. The accused persons then forcibly dragged CW.1 and 2 out of the house. Amidst the ongoing commotion, the accused No.1 forcibly extracted cash amount of ₹25,000/- from the shirt pocket of CW.2. Before leaving the spot the accused persons criminally intimidated the witnesses by holding out

threat to their lives. thereby committing the alleged offences.

3. All the accused persons are on bail and were appearing before this court. After the investigation, the police have filed the charge sheet against the accused.

4. Heard the counsel for the accused and the prosecution and found sufficient material to frame the charge. Accordingly, my predecessor-in-office had framed the charge for the offences punishable under Section 143, 504, 323, 324, 354, 394 and 506 r/w Sec. 149 of IPC.

5. The accused pleaded not guilty and claims to be tried.

6. The Prosecution in all cited 24 witnesses, but examined only 14 witnesses as PW.1 to PW.14 and got marked 24 documents exhibited as Ex.P.1

to Ex.P.27 and material objects MO-1 and 2 have been marked.

7. After completion of the evidence on prosecution side the statement of the accused U/Sec. 313 of Cr.P.C. is recorded. The accused persons denied the incriminating evidence adduced against them, but not chosen to lead any evidence.

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

9. 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, in the year 2018, CW.3 Lokesh by obtaining regularization of Paisari land situated in Sy.No. 30/1 in his name from the concerned authorities and when CW.1 and CW.2 constructed a house therein and were residing therein, on 18.07.2023

early in the morning when CW,1 and CW.2 temporarily out of the house and upon their return at approximately 07:30 a.m. the accused persons broke open the lock of the house of CW.1 and 2 and committed house trespass and were present inside the house and in furtherance of their common object formed an unlawful assembly in the house of CW.1 and 2 and thereby the accused persons have committed an offence p/u/Sec. 143 of IPC?

2. Whether the prosecution proves beyond all reasonable doubt that, when the CW.1 questioned regarding trespass of the accused persons, the accused persons in furtherance of their common object abused the CW.1 in filthy language and thereby the accused persons have committed an offence p/u/Sec. 504 R/W Sec.149 of IPC?

3. Whether the prosecution proves beyond all reasonable doubt that, the accused persons in furtherance of their common object with an intention to outrage the modesty of CW.1, dragged the hands of CW.1 and thereby the accused persons have committed an offence p/u/Sec. 354 R/W Sec.149 of IPC?

4. Whether the prosecution proves beyond all reasonable doubt that, the accused persons in furtherance of their common object, assaulted the CW.1 with hands and kicked her and accused No.2 pressed the neck of CW.1 and voluntarily caused hurt to CW.1 and thereby the

accused persons have committed an offence p/u/Sec. 323 R/W Sec.149 of IPC?

5. Whether the prosecution proves beyond all reasonable doubt that, the accused persons in furtherance of their common object, the accused No.5 assaulted the CW.1 with deadly weapon like club and voluntarily caused hurt to CW.1 and thereby the accused persons have committed an offence p/u/Sec. 324 R/W Sec.149 of IPC?

6. Whether the prosecution proves beyond all reasonable doubt that, the accused persons in furtherance of their common object, deserted the CW.1 and 2 from the house and accused No.1 forcibly extracted amount of ₹25,000/- from the shirt pocket of CW.2 and thereby the accused persons have committed an offence p/u/Sec. 394 R/W Sec.149 of IPC?

7. Whether the prosecution proves beyond all reasonable doubt that, the accused persons in furtherance of their common object, the accused persons criminally intimidated the CW.1 and 2 by holding out threat to their lives and thereby the accused persons have committed an offence p/u/Sec. 506 R/W Sec.149 of IPC?

8. What Order?

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

Point No.1 to 7 : In the Negative

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

∴ REASONS ∴

11. **POINT No.1 to 7:-** 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.

12. The case at hand is a counter case to the proceedings initiated by the accused persons against the complainant party, which is currently numbered as Special Case No.23/2023. The existence of these cross cases clearly establishes that both incidents stem from the same factual nexus, pointing toward a bitter history of underlying hostility between the parties pertaining to a property.

13. It is pertinent to note that the complainant and injured witness cited as CW.1 passed away during the pendency of the trial and prior to her examination before this court. Owing to her ultimately demise, her occupant testimony could not be recorded and she remained un-examined. Consequently, her initial statement/complaint cannot be treated as substantive evidence to prove the charges against the accused and the prosecution's case must rest entirely on the testimonies of the remaining secondary witnesses.

14. It is further pertinent to reflect that both competing factions are embroiled in a dispute over a parcel of land to which neither parties have lawful title. The property bearing Sy.No.38/1 is undisputedly a Government property. There is an absolute dearth of documentary evidence on record to demonstrate that CW.1 or his family

members are the registered owners or lawful title-holders of the said land. Both sides are essentially asserting possessory claims over the public property without any sanctioned grant from the competent revenue authorities. The charges have been formally framed based on the record compiled by the Investigating Agency. The testimonies of the witnesses who have given evidence before this court. The factual substratum of the prosecution's case hinges primarily on the oral testimonies of the eyewitnesses and mahazar witnesses and other investigative materials on record.

15. In a criminal trial the burden of proof rests immovably upon the prosecution; it never shifts. The standard is proof beyond reasonable doubt, not suspicion, however strong.
(V.D.Jhingan Vs. State of U.P. AIR 1966 SC 1762) (Kali Ram Vs. State of H.P. 1973 2 SCC

808). Any reasonable doubt must ensure to the benefit of the accused as a matter of constitutional fairness under Article 21 of Constitution of India.

16. Consequently, in view of the case and counter case, this court must exercise an elevated degree of care and caution while appreciating the evidence adduced by the prosecution witness.

17. It is pertinent to note that according to the testimony of PW.1/CW.4, the alleged incident occurred on 18.07.2022. However, the complaint Exhibit P.19 was lodged on 22.07.2022. This reveals a clear delay of 4 days in setting the criminal law into motion. Crucially the prosecution has forwarded no plausible or satisfactory explanation for this intervening delay which seriously exposes the narrative to the possibility of deliberation, exaggeration and

afterthought, thereby casting a shadow of doubt on its authenticity.

18. It is pertinent to observe that although PW.1/CW.4 was projected by the prosecution as the material eyewitness to the incident, his testimony fails to support the prosecution's case. Throughout his entire examination-in-chief, he has remained completely silent on the material aspects of the accused. He has neither stated that CW.1 was physically assaulted by the accused persons which constitute outraging the modesty of CW.1. This absolute omission by an alleged eyewitness severely dents the credibility of the prosecution's narrative regarding the offence and his presence.

19. Furthermore, PW.1/CW.4 has specifically stated in his deposition that upon enquiring with CW.2 the latter informed him that accused No.1 had forcibly extorted and removed cash

amounting to ₹25,000/- from his pocket. It is well settled that this portion of PW.1's testimony amounts to mere hearsay evidence as he is not an eyewitness to the alleged transaction of extortion in the absence of direct, substantive proof from CW.2 himself, this statement cannot be safely relied upon to establish the charge of extortion against the accused No.1.

20. While perusing the cross-examination of PW.1, he specifically deposed as follows:

“2ನೇ ಆರೋಪಿ ಚಾಸಾ-1 ರವರಿಗೆ ಹಲ್ಲೆ ಮಾಡಿದ ನಂತರ ಸದರಿ ದೊಣ್ಣೆಯನ್ನು ಅಲ್ಲೇ ಎಸೆದು ಹೋದರು. ಅವರು ಮನೆಯ ಒಳಗಡೆ ಎಸೆದಿದ್ದರೋ ಅಥವಾ ಹೊರಗಡೆ ಎಸೆದಿದ್ದರೋ ಎಂದು ನಾನು ನೋಡಿಲ್ಲ. ಸದರಿ ದೊಣ್ಣೆ ಬಿದಿರಿನ ದೊಣ್ಣೆಯಾಗಿದ್ದು, ಎರಡ ರಿಂದ ಎರಡೂವರೆ ಅಡಿ ಉದ್ದ ಇತ್ತು. ಮು.ಮಾ-1 ರ ದೊಣ್ಣೆ ಬಿದಿರಿನ ದೊಣ್ಣೆ ಅಲ್ಲ.”

21. While perusing the above deposition PW.1/CW.4 asserted during his cross-examination that CW.1 was assaulted with a bamboo stick, he explicitly admitted that the

weapon produced before the court as MO.1 is not a bamboo stick. This categorical admission creates a fatal contradiction between the ocular description of the weapon and the actual material object recovered by the investigating agency. Consequently, the prosecution has failed to establish any connection between MO.1 and the alleged offence rendering the recovery entirely doubtful.

22. A careful perusal of the spot mahazar marked as Exhibit P.1 dated 23.07.2022, it reveals a critical fact that severely undermines the prosecution's narrative. It is explicitly recorded therein that on 21.07.2022, the Revenue Department and the Police had jointly locked the premises, affixed an official notice directing that the house must not be opened and duly sealed the same. The structural findings recorded in the spot, mahazar Exhibit P.1 are further fortified by

the photographic evidence marked as Exhibit P.3. A meticulous examination of these photographs clearly depicts the locked entrance of the subject house, alongside a vivid view of the official administrative notice and the intact regular legal seal affixed by the joint team of the Revenue and Police Department. This unpeachable documentary and photographic proof provides objective verification that the premises were under official government lock prior to the filing of the complaint. This photographic evidence corroborates the contents of the spot master Exhibit P.1 and proves that the house was already sealed by the authorities before the complaint was registered. This administrative action by the competent authorities occurred prior to the registration of the complaint on 22.07.2022, casting serious doubt upon the prosecution case of seizure mahazar Ex.P.4.

23. The seizure mahazar marked as Exhibit P.4 was conducted on 13.08.2022. While carefully perusing Exhibit P.4, it is recorded that MO.1 was seized from inside the house. However, a physical examination of MO.1 reveals that it is not a bamboo stick. However, as already established by Exhibit P.1 and Exhibit P.3, the premises had already been locked and sealed by the revenue and police authorities on 21.07.2022, making this subsequent recovery highly suspicious.

24. While perusing the cross-examination of PW.14, he deposed as follows:

20. "ದಿನಾಂಕ 23-07-2022 ರಂದು ಕೃತ್ಯ ನಡೆಯಿತು ಎನ್ನಲಾದ ಸ್ಥಳಕ್ಕೆ ಹೋಗುವ ಮುಂಚೆ ಸ್ಥಳಕ್ಕೆ ಬರುತ್ತೇನೆ ಎಂದು ಚಾಸಾ-1 ರವರಿಗೆ ಪೂರ್ವ ಮಾಹಿತಿಯನ್ನು ನೀಡಿರಲಿಲ್ಲ. ದಿನಾಂಕ 23-07-2022 ರಂದು ನಾನು ಸ್ಥಳಕ್ಕೆ ತಲುಪಿದಾಗ ಅಂದಾಜು ಮಧ್ಯಾಹ್ನ 1.15 ಗಂಟೆ ಆಗಿತ್ತು. ಪಂಚರನ್ನು ಸಿಬ್ಬಂದಿಯಾದ ಚಾಸಾ-18 ರವರ ಮೂಲಕ ಕರೆಸಿಕೊಂಡಿದ್ದೆ. ಪಂಚರು ಸ್ಥಳಕ್ಕೆ ಬಂದ ನಂತರ ಅವರಿಗೆ ನಾನು ನೋಟೀಸ್‌ನ್ನು ನಾನು ಜಾರಿ ಮಾಡಿದ್ದೆ. ಘಟನೆ ನಡೆಯಿತು ಎನ್ನಲಾದ ಸ್ಥಳದಲ್ಲೆ

ಬಿದಿರ್ದ ಒಡೆದ ಬೀಗವನ್ನು ನಾನು ನೋಡಿರಲಿಲ್ಲ. ದಿನಾಂಕ 23-07-2022 ರಂದು ಕೃತ್ಯ ನಡೆಯಿತು ಎನ್ನಲಾದ ಮನೆಯ ಬಾಗಿಲು ಮುಚ್ಚಿತ್ತು. ಆ ಸಮಯ ಸದರಿ ಮನೆಯ ಎದುರುಗಡೆಯ ಬಾಗಿಲಿಗೆ ಬೀಗ ಹಾಕಲಾಗಿತ್ತು. ಸದರಿ ಮನೆಯ ಬೀಗ ಅಥವಾ ಚಿಲಕ ಅಲ್ಲಿ ಕಾಣುತ್ತಿತ್ತೋ ಎಂದರೆ ಸಾಕ್ಷಿ ನನಗೆ ಈಗ ನೆನಪಿಲ್ಲ ಎನ್ನುತ್ತಾರೆ. ಸಾಕ್ಷಿ ಪುನಃ ಸ್ವತಃ ಮುಂದುವರೆದು ಮನೆಯ ಬೀಗ ಲಾಕ್ ಆಗಿತ್ತು ಎನ್ನುತ್ತಾರೆ. ನಾನು ಆ ಸಮಯ ಬಾಸಾ-1ರವರ ಬಳಿ ಸದರಿ ಮನೆಯ ಕೀ ಯಾರ ಬಳಿ ಇರುತ್ತದೆ ಎಂದು ಕೇಳಿರಲಿಲ್ಲ. ಸಾಕ್ಷಿ ಸ್ವತಃ ಸದರಿ ಮನೆಯ ಬಾಗಿಲಿನ ಮೇಲೆ ಕಂದಾಯ ಇಲಾಖೆಯವರು ಮುಂದಿನ ತೀರ್ಮಾನದವರೆಗೆ ಯಾರು ಸದರಿ ಮನೆಗೆ ಪ್ರವೇಶ ಮಾಡಬಾರದು ಎಂದು ಇರುವ ಚೀಟಿಯನ್ನು ಅಂಟಿಸಿದ್ದರು. ಸದರಿ ಮನೆಯ ಎದುರಿನಿಂದ ನೋಡಲಾಗಿ ಮನೆಯ ಬಾಗಿಲಿನ ಚೌಕಟ್ಟು ಹಾಗೂ ಬಾಗಿಲಿಗೆ ಸೇರಿದಂತೆ ಸದರಿ ಚೀಟಿಯನ್ನು ಅಂಟಿಸಲಾಗಿತ್ತು. ಸದರಿ ಮನೆಗೆ ಯಾರು ಬೀಗ ಹಾಕಿದ್ದರು ಎಂದು ನೀವು ತನಿಖೆಯನ್ನು ಮಾಡಿದ್ದೀರಾ ಎಂದರೆ ಸಾಕ್ಷಿ ನನ್ನ ತನಿಖೆಗೆ ಅದು ಅಗತ್ಯ ಬೀಳದ ಕಾರಣ ನಾನು ಆ ಬಗ್ಗೆ ತನಿಖೆ ಮಾಡಲಿಲ್ಲ ಎನ್ನುತ್ತಾರೆ. ನಿಪಿ-3 ರಲ್ಲಿ ಬಾಗಿಲಿಗೆ ಹಾಕಲಾದ ಬೀಗ ಕಾಣುತ್ತಿದೆಯಾ ಎಂದರೆ ಸಾಕ್ಷಿ ಬೀಗವನ್ನು ಸೇರಿಸಿ ಕಂದಾಯ ಇಲಾಖೆಯವರು ಚೀಟಿಯನ್ನು ಅಂಟಿಸಿರುವುದು ನಿಪಿ-3 ರಲ್ಲಿ ಕಾಣುತ್ತದೆ ಎನ್ನುತ್ತಾರೆ. ನಿಪಿ-1 ಮಹಜರ್ ನಲ್ಲಿ ಯಾವ ಸಿಸ್ಟಮ್ ನ ಬೀಗವನ್ನು ನಿಪಿ-3 ಫೋಟೋದಲ್ಲಿ ಕಂಡು ಬರುವ ಬಾಗಿಲಿಗೆ ಹಾಕಲಾಗಿತ್ತು ಎಂಬ ಬಗ್ಗೆ ನಮೂದು ಮಾಡಿರುವುದಿಲ್ಲ. ದಿನಾಂಕ 23-07-2022 ರಂದು ನಾನು ಪರಿಶೀಲಿಸಿದಾಗ ನಿಪಿ-3 ಫೋಟೋದಲ್ಲಿ ಕಾಣುವ ಬಾಗಿಲಿಗೆ ಡ್ಯಾಮೇಜ್ ಆದದ್ದು ಕಾಣಿಸುತ್ತಿರಲಿಲ್ಲ, ಸಾಕ್ಷಿ ಸ್ವತಃ ಚೀಟಿ ಅಂಟಿಸಿದ ಕಾರಣ ಅದು ಕಾಣುತ್ತಿರಲಿಲ್ಲ ಎನ್ನುತ್ತಾರೆ."

22. "ನಿಪಿ-3 ರಲ್ಲಿ ಕಂಡು ಬರುವ ಮನೆಯ ಬಾಗಿಲಿಗೆ ಅಂಟಿಸಿದ ಕಂದಾಯ ಇಲಾಖೆಯ ಪ್ರಕಟಣೆಯ ದಿನಾಂಕ 21-07-2022 ಆಗಿರುತ್ತದೆ. ನಿಪಿ-1 ರ ಸಮಯದಲ್ಲಿ ಸದರಿ ಬಾಗಿಲಿಗೆ ಅಂತಹ ಎರಡು ಚೀಟಿಗಳನ್ನು ಅಂಟಿಸಲಾಗಿತ್ತು. ಈಗ ನಾನು ನೋಡುತ್ತಿರುವ ಪ್ರಕಟಣೆಯ ಚೀಟಿಯನ್ನು ಬಾಗಿಲಿನ ಮೇಲ್ಭಾಗದಲ್ಲಿ ಅಂಟಿಸಲಾಗಿತ್ತು. ನಿಪಿ-3 ಫೋಟೋದಲ್ಲಿ ಕಾಣುವ ಮನೆಯ ಬಾಗಿಲಿಗೆ ಕಂದಾಯ ಇಲಾಖೆಯವರು ಎರಡು ಇಲಾಖಾ ಪ್ರಕಟಣೆಯ ಚೀಟಿಗಳನ್ನು ಅಂಟಿಸಿದ್ದು, ಒಂದು ಚೀಟಿಯನ್ನು ಬಾಗಿಲಿನ ಮೇಲ್ಭಾಗದಲ್ಲಿ ಅಂಟಿಸಲಾಗಿತ್ತು, ಇನ್ನೊಂದು ಚೀಟಿಯನ್ನು ಬೀಗದ ಮೇಲ್ಭಾಗದಲ್ಲಿ ಬೀಗ ಕಾಣದ ರೀತಿಯಲ್ಲಿ ಅಂಟಿಸಲಾಗಿರುತ್ತದೆ ಎಂಬ ಬಗ್ಗೆ ನಿಪಿ-1 ರಲ್ಲಿ ನಮೂದಿಸಿರುತ್ತದೆ. ಸದರಿ ಬಾಗಿಲಿನ ಲಾಕಿನ ಮೇಲೆ ಅಂಟಿಸಲಾದ ಕಂದಾಯ ಇಲಾಖೆಯ ಪ್ರಕಟಣೆಯ ಫೋಟೋವನ್ನು ಹತ್ತಿರದಿಂದ ನಾನು ತೆಗೆಸಿರಲಿಲ್ಲ."

23. "ದಿನಾಂಕ 13-08-2022 ರಂದು ಕೃತ್ಯ ನಡೆಯಿತು ಎನ್ನಲಾದ ಸ್ಥಳಕ್ಕೆ ಬರಲು ಚಾಸಾ-1 ರವರು ನನ್ನ ಬಳಿ ಕೋರಿಕೊಂಡಿದ್ದರು. ಸದರಿ ದಿನ ಚಾಸಾ-1 ರವರು ಕಂದಾಯ ಇಲಾಖೆಯವರು ಸೀಲ್ ಮಾಡಿದ ಮನೆಯ ಬಾಗಿಲನ್ನು ತೆರೆಯಲು ಅನುಮತಿ ನೀಡಿದ ಬಗ್ಗೆ ದಾಖಲೆಯನ್ನು ನನಗೆ ಕೊಟ್ಟಿರುವುದಿಲ್ಲ. ಯಾವ ದಿನಾಂಕದಂದು ಸೀಲು ಮಾಡಿದ ಸದರಿ ಮನೆಯ ಬಾಗಿಲನ್ನು ಕಂದಾಯ ಇಲಾಖೆಯವರು ತೆರೆದರು ಎಂಬ ಬಗ್ಗೆ ನನಗೆ ಮಾಹಿತಿ ಇರುವುದಿಲ್ಲ."

24. "ದಿನಾಂಕ 13-08-2022 ರಂದು ಕೃತ್ಯ ನಡೆಯಿತು ಎನ್ನಲಾದ ಸ್ಥಳಕ್ಕೆನಾನು ಹೋಗುವಾಗ ನನ್ನ ಜೊತೆ ಚಾಸಾ-19 ರವರು ಇದ್ದರು. ನಾವು ನಮ್ಮ ಇಲಾಖಾ ವಾಹನದಲ್ಲಿ ಅಲ್ಲಿಗೆ ಹೋಗಿದ್ದೆವು. ಸದರಿ ಇಲಾಖಾ ವಾಹನದಲ್ಲಿ ದಿನಾಂಕ 13-08-2022 ರಂದು ಸ್ಥಳಕ್ಕೆ ಹೋದ ಬಗ್ಗೆ ನಿಪಿ-4 ಮಹಜರ್ ನಲ್ಲಿ

ನಾನು ನಮೂದು ಮಾಡಿರುವುದಿಲ್ಲ. ನಿಪಿ-5 ಎಂದು ಈಗಾಗಲೇ ಗುರುತಿಸಲಾದ 4 ಫೋಟೋಗಳನ್ನು ಚಾಸಾ-19 ರವರು ನಮ್ಮ ಇಲಾಖೆಗೆ ನೀಡಲಾದ ಕ್ಯಾಮರದ ಮೂಲಕ ತೆಗೆದಿದ್ದರು. ಆ ಬಗ್ಗೆ ನಿಪಿ-4 ಮಹಜರ್ ನಲ್ಲಿ ನಮೂದು ಇರುವುದಿಲ್ಲ. ನಿಪಿ-5 ರ 2ನೇ ಫೋಟೋದಲ್ಲಿ ಕೋಲಾಗಲೀ, ದೊಣ್ಣೆಯಾಗಲೀ ಕಂಡು ಬರುತ್ತಿಲ್ಲ ಎಂದರೆ ಸರಿ. ನಿಪಿ-5 ಎಂದು ಗುರುತಿಸಲಾದ 4 ಫೋಟೋಗಳನ್ನು 1 ರಿಂದ ನಂತರ, 1ರಂತೆ ತೆಗೆಯಲಾಗಿತ್ತು. ನಿಪಿ-4 ರ 1ನೇ ಮತ್ತು 3ನೇ ಫೋಟೋದಲ್ಲಿ ಕಾಣುವ ಕೋಲನ್ನು ಯಾರು ತಂದು ಇಟ್ಟರು ಎಂದು ನೀವು ನೋಡಿದ್ದೀರಾ ಎಂದರೆ ಸಾಕ್ಷಿ ಸದರಿ ಕೋಲು ಅಲ್ಲಿಯೇ ಇತ್ತು ಎನ್ನುತ್ತಾರೆ. ನಿಪಿ-5 ರ 2ನೇ ಭಾವಚಿತ್ರದಲ್ಲಿ ಸದರಿ ಕೋಲು ಚಾಸಾ-1 ರವರ ಕೈಯಲ್ಲಾಗಲೀ, ಪಂಚರ ಕೈಯಲ್ಲಾಗಲೀ ಕಾಣುತ್ತಿಲ್ಲ ಎಂದರೆ ಸದರಿ ಕೋಲು ಮಂಚದ ಸಂದಿಯಲ್ಲಿ ಇದ್ದ ಕಾರಣ ಕಾಣುತ್ತಿಲ್ಲ ಎನ್ನುತ್ತಾರೆ."

25. A perusal of the cross examination of PW.14, who is the Investigating Officer, reveals an admission that strikes at the root of the investigation. The officer explicitly deposed that during his spot visit on 23.07.2022, the subject house was locked. An official notice was found affixed to the door, and he had no knowledge as to whose custody the keys were in. This admission deals a fatal blow to the prosecution's

claims regarding the recovery of the physical evidence. If the supervising investigating officer himself found the premises locked under an official notice and was unaware of who held the keys, it remains completely unexplained how he could have legally entered the premises to draw up the seizure mahazar. This material lapse thoroughly destroys the sanctity of the alleged recovery.

26. The PW.1 specifically stated that the accused assaulted the CW.2 with bamboo stick. But here they have seized MO.1 which is not bamboo stick. This total mismatch between the ocular discrepancies and the actual property produced before this court completely breaks the link between the weapon and alleged assault, creating a serious lacuna that must be resolved in favour of the accused.

27. Moreover, a meticulous scrutiny of the seizure master Exhibit P.4 exposes a patent irregularity that points towards the manipulation of official records. The body of the master and the specific endorsement regarding its execution timings 02:00 p.m. to 03:00 p.m. have demonstrably been written using entirely distinct writing instrument and ink profiles. This clear ocular variance leads to an inescapable inference of subsequent interpolation the timing of the alleged seizure appears to have been inserted as an afterthought by a different hand which completely vitiates the sanctity of the recovery process and renders Exhibit P.4 highly unreliable.

28. While perusing the cross examination of PW.1, he deposed as follows:

"ಅದು ಶೀಟ್ ಮನೆ ಆಗಿತ್ತು. ಅದರ ಮುಂಭಾಗದಲ್ಲಿ ಮತ್ತು ಒಳಗಡೆ ಪಾಸ್ವರಿಂಗ್ ಆಗಿತ್ತು".

29. PW.1 specifically as stated above in his cross examination that the house is a sheet house and was plastered on both the inside and outside. However, a perusal of the photographs marked as Exhibit P.5 clearly demonstrate that the inside of the house was not plastered at all. There is a serious discrepancy between the oral evidence of PW.1 and the documentary/photographic evidence contained in Exhibit P.5.

30. While perusing the cross-examination of PW.1, he deposed as follows:

"ಚಾಸಾ-2 ರವರನ್ನು ನನಗೆ ಪರಿಚಯ ಇದ್ದ ಕಾರಣ ಅವರ ಮನೆ ಎದುರು ಗಲಾಟೆ ಆಗಿದೆ ಎಂದು ನಾನು ಹೇಳಿದ್ದೆ. ಸದರಿ ಮನೆ ಕಟ್ಟಿ ಎರಡು-ಮೂರು ತಿಂಗಳು ಆಗಿರಬಹುದು. ನಾನು ಸದರಿ ಸ್ಥಳಕ್ಕೆ ಹೋಗುವ ಸಂದರ್ಭದಲ್ಲಿ ಅವರು ಏನು ಕಿರುಚಾಡುತ್ತಿದ್ದರು ಎಂದು ಸ್ಪಷ್ಟವಾಗಿ ನನಗೆ ಕೇಳುತ್ತಿರಲಿಲ್ಲ. ನಾನು ಮನೆಯ ಒಳಗಡೆ ಹೋದಾಗ ಅಲ್ಲಿ 8 ರಿಂದ 10 ಜನ ಇದ್ದರು. ಲಕ್ಷ್ಮಿ, ನಾಗಯ್ಯ, ಶಶಾಂಕ್, ಬಸವರಾಜು, ಚಿದಾನಂದ, ಸಣ್ಣಪ್ಪ, ವೇದಾವತಿ ಹಾಗೂ ಮಂಜುನಾಥ ಮತ್ತು ಚಾಸಾ-5 ಇದ್ದರು.

ಮು.ಮಾ-1 ರ ದೊಣ್ಣೆಯನ್ನು 2ನೇ ಆರೋಪಿ ಮನೆಯ ಒಳಗಿನಿಂದ ಹೊರಗೆ ತೆಗೆದುಕೊಂಡು ಬಂದಿದ್ದರು."

31. A critical perusal of the above deposition in cross examination of PW.1 reveals the admission that completely destroyed the substratum of the prosecution case. PW.1 has specifically stated that the alleged incident occurred outside the house. Furthermore, he categorically admitted that he did not hear the conversation or what was exchanged between the parties at the time of incident. He merely stated that he saw accused No. 2 removed MO.1 from the house and coming out of the house. This material admission directly contradicts the primary charge of physical assault inside the premises, revealing a serious and irreconcilable discrepancy between the oral evidence of PW.1 and case setup by the prosecution.

32. It is pertinent to note a stark contradiction between the ocular testimony of the complainant CW.1 in Exhibit P.19 complaint and the medical evidence on record. In her primary narrative, CW.1 explicitly asserted in Ex.P.19 complaint that the accused persons assaulted her chest and body with their hands and kicked her. Crucially, there is no mention in her statement that she was assaulted on her arms or to the head. However, a perusal of the wound certificate marked as Exhibit P.18 tells a completely different story. It notes an abrasion over the right forearm just below the right elbow joint and tenderness over the scalp sculpture scapula. The medical record contains absolutely no corresponding external or internal injuries over the chest or abdominal region to match her specific allegations. This variance between the topography of the injuries described by CW.1 in Exhibit P.19 and the objective findings in Exhibit P.18 severely

weakens the prosecution's case and creates a strong presumption of exaggeration or fabrication.

33. While perusing the cross-examination of PW.12/CW.14, he deposed as follows:

4."ದಿನಾಂಕ 18-07-2022 ರಂದು ಬೆಳಿಗ್ಗೆ 7.00 ಗಂಟೆಯಿಂದ 9.00 ಗಂಟೆಯ ಒಳಗೆ ಹುಷಾರಿಲ್ಲದ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಚಾಸಾ-1 ರವರು ಶನಿವಾರಸಂತೆ ಸಮುದಾಯ ಆರೋಗ್ಯ ಕೇಂದ್ರಕ್ಕೆ ಬಂದು ಚಿಕಿತ್ಸೆ ಪಡೆದ ಬಗ್ಗೆ ರಿಜಿಸ್ಟರ್ ನಲ್ಲಿ ಮಾಹಿತಿ ಇದೆಯಾ ಎಂದರೆ ಸಾಕ್ಷಿ ನನಗೆ ಆ ಬಗ್ಗೆ ಮಾಹಿತಿ ಇಲ್ಲ ಎನ್ನುತ್ತಾರೆ. ಯಾವುದೇ ರೋಗಿಯು ಶನಿವಾರಸಂತೆ ಸಮುದಾಯ ಆರೋಗ್ಯ ಕೇಂದ್ರಕ್ಕೆ ಬಂದು ಚಿಕಿತ್ಸೆಯನ್ನು ಪಡೆದರೆ ಆ ಬಗ್ಗೆ ರಿಜಿಸ್ಟರ್ ನಲ್ಲಿ ನಮೂದು ಆಗುತ್ತದೆ ಎಂದರೆ ಸರಿ. ಹಲ್ಲಿಯ ಹಿನ್ನೆಲೆಯನ್ನು ಚಾಸಾ-1 ರವರ ನನ್ನ ಬಳಿ ಹೇಳಿದ್ದರು. ಯಾವುದೇ ವ್ಯಕ್ತಿ ಹಲ್ಲಿಯ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಚಿಕಿತ್ಸೆಗಾಗಿ ಬಂದಾಗ **MLC intimation** ನ್ನು ಸಂಬಂಧಪಟ್ಟ ಪೊಲೀಸ್ ಠಾಣೆಗೆ ಕಳುಹಿಸಬೇಕು ಎಂದು ನನಗೆ ಗೊತ್ತಿರುತ್ತದೆ. ಆ ಬಗ್ಗೆ **Medico Legal register** ನಲ್ಲಿ ನಮೂದು ಆಗಬೇಕು ಎಂದರೆ ಸರಿ. ದಿನಾಂಕ 18-07-2022 ರಂದು ಚಾಸಾ-1 ರವರು ಹಲ್ಲಿಯ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಚಿಕಿತ್ಸೆಗಾಗಿ ಬಂದ ಬಗ್ಗೆ **MLC intimation** ನ್ನು ನಾನು ಸಂಬಂಧಪಟ್ಟ ಪೊಲೀಸ್ ಠಾಣೆಗೆ ಕಳುಹಿಸಿದ್ದೆ. ಹೊರರೋಗಿಯಾಗಿ ಸಮುದಾಯ ಆರೋಗ್ಯ ಕೇಂದ್ರಕ್ಕೆ ಬಂದರೆ ಹೊರರೋಗಿ ಚೀಟಿಯನ್ನು ಮಾಡಿಕೊಳ್ಳಬೇಕು ಎಂದರೆ ಸರಿ. ಆ ಸಂದರ್ಭದಲ್ಲಿ **OP slip** (ಹೊರರೋಗಿ)

ಚೀಟಿ ತಂದ ನಂತರ ನಾವು ರೋಗಿಗೆ ಚಿಕಿತ್ಸೆ ನೀಡುತ್ತೇವೆ ಎಂದರೆ ಸರಿ. ನಿಪಿ-18 ರಲ್ಲಿ ನಾನು ಚಾಸಾ-1 ರವರ out patient number ನ್ನು ನಮೂದು ಮಾಡಿಲ್ಲ."

34. A perusal of the above deposition of medical officer PW.12/CW.14 reveals a crucial admission during his cross-examination. The witness specifically testified that when CW.1 presented herself for the medical treatment on 18-7-2022 with the history of alleged physical assault by the accused, the hospital immediately dispatched a medico-legal case intimation to the judicial police station on 18.07.2022 itself. This unequivocal statement establishes that the law enforcement machinery was made aware of the alleged offence on the very day of the occurrence, making the subsequent five-day delay in registering the formal FIR questionable.

35. While perusing the cross-examination of PW.13/CW.23 He deposed as follows:

5. "ದಿನಾಂಕ 18-07-2022 ರಿಂದ 22-07-2022 ರವರೆಗೆ ಈ ಪ್ರಕರಣಕ್ಕೆ ಸಂಬಂಧ ಪಟ್ಟಂತೆ ಯಾವುದೇ ಆಸ್ಪತ್ರೆಯಿಂದ ನನಗೆ **MLC intimation** ಬಂದಿರಲಿಲ್ಲ."

36. While Perusing the above cross-examination of PW.13 and its deposition, the prosecution is a director of the prosecution a critical and irreconcilable contradiction emerges when the contrasting the medical evidence with the testimony of the investigating machinery. While the medical officer PW.12 categorically deposed that a medico-legal case intimation was dispatched to the police station on 18.07.2022, PW.13 the Police Sub Inspector of the Cybercrime Police Station Madikeri flatly denied the receiving any such intimation. This glaring discrepancy remains completely unexplained by the prosecution. The failure of the police to account for this missing record strongly indicates that the formal complaint was deliberately withheld and

registered as an afterthought on 22.07.2022. This mala fide delay lends substantial weight to the defence theory that the entire narrative was created by CW1 as a mere counterpart to defeat the legitimate proceedings initiated against the complainant party.

37. PW.14 deposed in cross-examination as follows:

31. ದಿನಾಂಕ 18-07-2022ರಂದು ನಾನು ತಾಣಾ ಪ್ರಭಾರದಲ್ಲಿ ಇದ್ದೆನೋ, ಇಲ್ಲವೋ ಎಂದು ನನಗೆ ಈಗ ನೆನಪಿಲ್ಲ. ಈ ಪ್ರಕರಣದಲ್ಲಿ ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿ ದಾಖಲಾಗುವ ಪೂರ್ವದಲ್ಲಿ 2ನೇ ಆರೋಪಿ ನೀಡಿದ ದೂರಿನ ಮೇರೆಗೆ ಪರಿಶಿಷ್ಟ ಜಾತಿ, ಪರಿಶಿಷ್ಟ ಪಂಗಡಗಳ ದೌರ್ಜನ್ಯ ತಡೆ ಅಧಿನಿಯಮದಡಿ ಅಪರಾಧ ಸಂಖ್ಯೆ 57/2022 ರಂತೆ ಶನಿವಾರಸಂತೆ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ಪ್ರಕರಣ ದಾಖಲಾಗಿತ್ತು. ಸಾಕ್ಷಿ ಸ್ವತಃ ಸದರಿ ಪ್ರಕರಣ ಅದೇ ದಿನ ದಾಖಲಾಗಿತ್ತು ಎನ್ನುತ್ತಾರೆ. **LPTN No.292/2022** ರ ಅರ್ಜಿಯನ್ನು ನಾನು ಓದಿದ್ದೆನೋ, ಇಲ್ಲವೋ ಎಂದು ನನಗೆ ಈಗ ನೆನಪಿಲ್ಲ. ಸದರಿ **LPTN No.292/2022** ರ ಅರ್ಜಿದಾರರು ಈ ಪ್ರಕರಣದ ಚಾಸಾ-1 ರವರ ಗಂಡ ಎಂದರೆ ಸರಿ. **LPTN No.292/2022** ಅರ್ಜಿಯನ್ನು ದಿನಾಂಕ 18-07-2022 ರಂದು ನೀಡಲಾಗಿತ್ತು. ನಾನು ಈ ಪ್ರಕರಣಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಕೇಸ್ ಡೈರಿಯನ್ನು ಈ ದಿನ ನ್ಯಾಯಾಲಯಕ್ಕೆ ತಂದಿರುತ್ತೇನೆ. ಕೇಸ್ ಡೈರಿಯಲ್ಲಿ ಸದರಿ **LPTN No.292/2022** ರ ಅರ್ಜಿಯ ಬಗ್ಗೆ ಉಲ್ಲೇಖ ಇರುವುದಿಲ್ಲ.

ಸಾಕ್ಷಿ ಸ್ವತಃ ಆ ಬಗ್ಗೆ ನಿಪಿ-1 ರಲ್ಲಿ ನಮೂದು ಇರುತ್ತದೆ ಎನ್ನುತ್ತಾರೆ. **LPTN No.292/2022** ರ ಅರ್ಜಿಯಲ್ಲಿ ಈ ಪ್ರಕರಣದಲ್ಲಿನ ಆರೋಪಿತರುಗಳು ಚಾಸಾ-1 ರವರಿಗೆ ಹಲೈ ಮಾಡಿದ ಬಗ್ಗಿಯಾಗಲೀ, ಪ್ರಾಸಾ-4 ರವರಿಂದ ರೂ.25,000/- ಹಣವನ್ನು ಕಸಿದುಕೊಂಡ ಬಗ್ಗೆ ಯಾವುದೇ ಉಲ್ಲೇಖ ಇಲ್ಲ ಎಂದರೆ ಸಾಕ್ಷಿ ನಾನು ಸದರಿ ಅರ್ಜಿಯನ್ನು ನೋಡಿಲ್ಲ ಎನ್ನುತ್ತಾರೆ. ಈ ಪ್ರಕರಣ ದಾಖಲಿಸುವ ಮುಂಚಿತವಾಗಿ 2ನೇ ಆರೋಪಿ ಈ ಪ್ರಕರಣದ ಚಾಸಾ-1, ಪ್ರಾಸಾ-1, ಪ್ರಾಸಾ-4, ಮತ್ತು ಪ್ರಾಸಾ-5 ರವರ ಮೇಲೆ ಪರಿಶಿಷ್ಟ ಜಾತಿ, ಪರಿಶಿಷ್ಟ ಪಂಗಡಗಳ ದೌರ್ಜನ್ಯ ತಡೆ ಅಧಿನಿಯಮದಡಿ ಅಪರಾಧ ಸಂಖ್ಯೆ 57/2022 ರಂತೆ ಶನಿವಾರಸಂತೆ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ಪ್ರಕಣರ ದಾಖಲಿಸಿದ ಕಾರಣ ಈ ಸುಳ್ಳು ಪ್ರಕರಣವನ್ನು ದಾಖಲಿಸಲಾಗಿರುತ್ತದೆ ಎಂದರೆ ಸರಿಯಲ್ಲ. ನಾನು **LPTN No.292/2022** ರ ಅರ್ಜಿಯನ್ನು ಪರಿಶೀಲಿಸಿದ್ದಲ್ಲಿ ನನಗೆ ಈ ಪ್ರಕರಣ ಸುಳ್ಳು ಪ್ರಕರಣ ಎಂದು ಗೊತ್ತಾಗುತ್ತಿತ್ತು ಮತ್ತು ನಾನು ಸದರಿ ಅರ್ಜಿಯನ್ನು ಪರಿಶೀಲಿಸದೆ ಸುಳ್ಳು ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತೇನೆ ಎಂದರೆ ಸರಿಯಲ್ಲ. ಮು.ಮಾ-1 3 ಇಂಚು ದಪ್ಪದ ದೊಣ್ಣೆ ಅಲ್ಲ ಎಂದರೆ ಸಾಕ್ಷಿ ಅದು ಒಣಗಿದ ಕಾರಣ ಸಣ್ಣ ಆಗಿರುತ್ತದೆ ಎನ್ನುತ್ತಾರೆ. ಮು.ಮಾ-1 ನ್ನು ಈ ಪ್ರಕರಣಕ್ಕೋಸ್ಕರ ದುರುದ್ದೇಶ ಪೂರ್ವಕವಾಗಿ ಸೃಷ್ಟಿಸಲಾಗಿದೆ ಎಂದರೆ ಸರಿಯಲ್ಲ. 5ನೇ ಆರೋಪಿಗೂ, ಈ ಪ್ರಕರಣಕ್ಕೂ ಯಾವುದೇ ಸಂಬಂಧ ಇಲ್ಲದೆ ಇದ್ದರೂ 5ನೇ ಆರೋಪಿಯನ್ನು ಸೇರಿಸಿ ನಾನು ಸುಳ್ಳು ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತೇನೆ ಎಂದರೆ ಸರಿಯಲ್ಲ.

38. As per the above deposition, it is clear that the husband of the CW.1 had lodged an initial

petition complete on the very day of the alleged incident on 18.07.2022 as per LPT No. 292/2022. It is admitted by PW.14 that there is absolutely no mention therein that the accused persons had physically assaulted CW.1 or that they had extorted and removed cash amounting of ₹25,000/- from the pocket of PW.4. This material omission at the earliest point in the time is fatal to the prosecution's narrative as it strongly reinforces the defence contention that the charges of the physical assault and extortion were subsequently demonstrated and added as an afterthought.

39. It is pertinent to note that the material eyewitness PW.14/CW.24 has completely failed to attribute any overt act or role to accused No. 5. In his entire deposition there is absolutely no mention of the presence or participation of accused No. 5 in the alleged offence, which creates a serious lacuna in the prosecution's case against the said accused.

40. It is pertinent to note that the independent attesting witnesses to the spot mahazar Exhibit P.1 have completely failed to support the case of the prosecution. PW.2/CW.6 and PW.3/CW.7, who are the independent pancha witnesses to the spot mahazar, turned completely hostile during their examination. Both witnesses explicitly resiled from their previous statements and denied either witnessing the growing up of the mahazar or recovery actions at the spot. The total hostility of these independent witnesses leaves the execution of the spot mahazar entirely uncorroborated by any neutral agency.

41. While perusing the cross examination of PW.6, she deposed as follows:

"ನಾನು ಮನೆಯ ಹೊರಗಡೆ ಬಂದು ನೋಡಿದಾಗ ಚಾಸಾ-1 ರವರ ಮನೆಯ ಹೊರಗಡೆ ಜಗಳವಾಗುತ್ತಿತ್ತು. ಜಗಳ ಆದ ನಂತರ ನಾನು ಘಟನಾ ಸ್ಥಳಕ್ಕೆ ಹೋಗಿದ್ದೆ. ಜಗಳ ಆದ ಎಷ್ಟು ಹೊತ್ತಿನ ನಂತರ ನೀವು ಚಾಸಾ-1 ರವರ ಮನೆಯ ಬಳಿಗೆ ಹೋದಿರೀ ಎಂದರೆ ಸಾಕ್ಷಿ ಜಗಳವಾಗುವಾಗಲೇ ನಾನು ಹೋಗಿದ್ದೆ ಎನ್ನುತ್ತಾರೆ.

ಆ ಸಂದರ್ಭದಲ್ಲಿ ಚಾಸಾ-1 ಮತ್ತು ಪ್ರಾಸಾ-4 ರವರು ಮನೆಯ ಹೊರಗಡೆ ಇದ್ದರು. ನಾನು ಹೊದ ನಂತರ ಮನೆಯ ಹೊರಗಡೆ ಯಾವುದೇ ಗಲಾಟೆ ಆಗಿರಲಿಲ್ಲ. ದಿನಾಂಕ 18-07-2022 ರಂದು ಬೆಳಿಗ್ಗೆ ಕಿರುಚಾಡುವ ಶಬ್ದ ಕೇಳಿಸಿ, ನಾನು ಮನೆಯಿಂದ ಹೊರಗಡೆ ಬಂದಾಗ ನನ್ನ ಜೊತೆ ನನ್ನ ಗಂಡನಾಗಲೀ, ಅತ್ತೆಯಾಗಲೀ ಅಥವಾ ನನ್ನ ಮಕ್ಕಳಾಗಲೀ ಬಂದಿರಲಿಲ್ಲ. ನಾನು ಘಟನಾ ಸ್ಥಳಕ್ಕೆ ಹೊದ ನಂತರ ಅಲ್ಲಿಗೆ ಪ್ರಾಸಾ-1 ರವರು ಅಲ್ಲಿಗೆ ಬಂದಿದ್ದರು."

42. PW.6 who has projected as material eyewitnesses exposes an inherent impossibility that completely demolishes the substratum of the prosecution's case. The witness explicitly admitted that she arrived at the spot only after the alleged incident had concluded, adding that no galata took place after her arrival. Crucially, she further deposed that the complainant and allegedly injured victim PW.1 arrived at the scene only after she had already reached there. This means that both PW.1 and PW.6 were not present at the spot when the incident occurred. Hence, the physical presence of PW.6 and PW.1 at the scene of the crime is highly

doubtful and their evidence must be treated as untrustworthy.

43. It is pertinent to note that neither PW.1, PW.4 nor PW.6 had deposed to any facts constituting criminal intimidation by the accused persons. Furthermore, the prosecution's allegation that the accused assaulted the witnesses with a wooden stick remains entirely unsubstantiated. In the absence of any corroborative links these specific allegations fail for want of proof.

44. On a holistic appreciation of the entire evidence on record this court is of the considered view that the prosecution has miserably failed to bring home the guilt of the accused persons through cogent oral and documentary evidence. The material intersect contradictions within the testimonies of PW.1, PW.4, PW.6 PW.3 coupled with the complete absence of independent witness severely fractures the bedrock of the prosecution

case. The presence of PW.1 and PW.6 at the spot is doubtful, and their evidence is untrustworthy. Consequently the prosecution has failed to clear the threshold of proving its case beyond a reasonable doubt. Hence, in view of this, I answer Points No.1 to 7 in the **Negative**.

45. **POINT NO.8:-** In the light of finding on above points, this court proceeds to pass the following:-

ORDER

In exercise of power vested with this court U/Sec.235(1) of Criminal Procedure Code, it is ordered that accused No.1 to 7 are acquitted for the offences punishable under U/Sec 143, 504, 323, 324, 354, 394 and 506 r/w Sec. 149 of IPC.

The bail bonds of the accused persons and their sureties shall stand canceled.

The material object M.O.1 shall be destroyed as worthless after the expiry of appeal period.

The material object M.O.2 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 2nd day of July, 2026)

sd/xxx

(MAMTAZ)

I Addl. District and Sessions Judge,
Kodagu-Madikeri

APPENDIX

THE WITNESSES EXAMINED FOR THE PROSECUTION:

PW-1 Ravi
PW-2 Ravi N.V.
PW-3 Nataraj
PW-4 Manjunath
PW-5 Lokesh
PW-6 Ashwitha
PW-7 Parameshwarachari
PW-8 Gangadhara M.K.
PW-9 Smitha H.P.
PW-10 Manukumar
PW-11 Medappa B.J.
PW-12 Dr.Indhudhar Medical Officer
PW-13 Govindaraju H.C.
PW-14 S. Parashivamurthy

THE DOCUMENTS EXHIBITED FOR THE PROSECUTION:

Ex-P.1 Spot Mahazar dt.23.07.2022
Ex.P.1a Signature of PW- 2
Ex.P.1b Signature of PW-3
Ex.P.1c Signature of PW- 14

Ex.P.2 Spot Mahazar dt.13.08.2022

Ex.P.2a Signature of PW-2

Ex.P.2b Signature of PW-3

Ex.P.2c Signature of PW-14

Ex.P.3 2 Photos

Ex.P.4 Mahazar dt.13.8.2022

Ex.P.4a Signature of PW- 2

Ex.P.4b Signature of PW-7

Ex.P.4c Signature of PW- 14

Ex.P.5 4 Photos

Ex.P.6 Statement of PW.2

Ex.P.7 Statement of PW.3

Ex.P.8 Seizure Mahazar dt 22.07.2022

Ex.P.8a Signature of PW-8

Ex.P.8b Signature of PW-13

Ex.P.9 4 Photos

Ex.P.10 Spot Mahazar dt 13.06.2023

Ex.P.10a Signature of PW- 8

Ex.P.10b Signature of PW- 13

Ex.P.11 2 Photos

Ex.P.12 Requisition for residential certificate

Ex.P.13 Report issued by Panchayath

Ex.P.13a Signature of PW-9

Ex.P.13b Signature of PW-14

Ex.P.14	Letter issued by Shanivarsanthe Police
Ex.P.14a	Signature of PW.14
Ex.P.15	Report
Ex.P.15a	Signature of PW-10
Ex.P.15b	Signature of PW- 14
Ex.P.16	Requisition letter
Ex.P.16a	Signature of PW.14
Ex.P.17	Residential certificate
Ex.P.17a	Signature of PW- 11
Ex.P.17b	Signature of PW- 14
Ex.P.18	Wound certificate
Ex.P.18a	Signature of PW- 12
Ex.P.18b	Signature of PW- 14
Ex.P.19	Complaint
Ex.P.19a	Signature of PW-13
Ex.P.20	FIR
Ex.P.20a	Signature of PW-13
Ex.P.21	Voluntary statement of accused No.1
Ex.P.21a	Signature of PW- 13
Ex.P.21b	Signature of accused No.1
Ex.P.22	Certificate U/Sec.65B of Evidence Act
Ex.P.22a	Signature of PW-13
Ex.P.23	Statement of CW.1 u/Sec.164 Cr.P.C.
Ex.P.24	Certificate U/Sec.65B of Evidence Act
Ex.P.24a	Signature of PW-14
Ex.P.25	Requisition for spot sketch

Ex.P.25a Signature of PW-14
Ex.P.26 Spot sketch
Ex.P.27 Requisition for spot sketch
Ex.P.27a Signature of PW-14

LIST OF WITNESSES EXAMINED ON BEHALF OF DEFENCE:

- Nil -

LIST OF DOCUMENTS EXHIBITED FOR THE DEFENCE:

- NIL -

LIST OF MATERIAL OBJECTS MARKED:

MO.1 Club
MO.2 Currency notes

sd/xxx

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