

**IN THE COURT OF CIVIL JUDGE AND J.M.F.C.,
PONNAMPET**

-:Present:-

Sri. Shrinath A., B.A.L, L.L.B.,
Civil Judge and J.M.F.C.,
Ponnampet

Criminal Case No.592/2025

Dated this the 13th day of July 2026

Complainant: - State by Gonikoppa Police,
(By: The Asst. Public Prosecutor)

-V/s -

Accused:- Sri.Pavankumar M.M,
S/o Mohankumar P.R,
Aged: 20 years,
R/o: Channangolli Paisary,
Balaji village,
Ponnampet Taluk, Kodagu.

(By Sri.V.G.Manjunath Advocate)

- | | |
|------------------------------------|-----------------------|
| 1. Date of commission of offence : | 01.03.2025 |
| 2. Date of report of offence: | 01.03.2025 |
| 3. Name of complainant | Akshitha.M.M, |
| 4. Date of recording evidence: | 16.06.2026 |
| 5. Date of closing evidence: | 16.06.2026 |
| 6. Offence complained of : | Sec.118(1) of BNS |
| 7. Opinion of the Judge : | Accused is acquitted. |



JUDGMENT

The Gonikoppa police have filed the charge sheet against the accused person for the offences punishable under Sec.118(1) of BNS.

2. The brief case of the prosecution is that on 01.03.2025 at about 4.30pm within the jurisdiction of the Gonikoppa Police station at Chennangolli Paisary of Balaji village in the house of Mohan P.R, when Cw1 was at home, Cw2 by consuming alcohol while quarreling with Cw3, accused person who was chopping the wood in front of the house with the sword (ಮಂಡೆ ಕತ್ತಿ) has assaulted to Cw2 on his left hand and left portion of the chest with the same sword (ಮಂಡೆ ಕತ್ತಿ) and caused grievous injuries, thereby accused person committed the offences punishable under Sec.118(2) of BNS.

3. This court perusing the materials took cognizance and thereafter issued summons to the accused person. The



accused appeared through his learned advocate and has been enlarged on bail. The copies of the final report in compliance of Sec.230 of B.N.S.S was furnished. After hearing both sides charges were framed for the offence punishable under Sunder Sec.118(1) of BNS against the accused, the charge was read over and explained to the accused and he has pleaded not guilty and hence, summons was issued to the prosecution witnesses.

4. The prosecution, in support of their case has examined Cw1 the complainant witness as Pw1, Cw2 victim witness as Pw2 and eye witness Cw3 and Pw3 and got marked Ex.P1 to Ex.P4. As there was no incriminating material appearing in prosecution evidence against the accused, the examination of the accused under Sec.313 of Cr.P.C is dispensed with. Thereafter, the accused did not choose to lead any evidence.



5. Heard the learned APP and advocate for accused person. Upon hearing the arguments and on perusal of the material on record, the following points that would arise for this Court's consideration is as follows:-

- 1) Whether the prosecution beyond all reasonable doubt proves that on 01.03.2025 at about 4.30pm within the jurisdiction of the Gonikoppa Police station at Chennangolli Paisary of Balaji village in the house of Mohan P.R, when Cw1 was at home, Cw2 by consuming alcohol while quarreling with Cw3, accused person who was chopping the wood in front of the house with the sword (ಮಂಡೆ ಕತ್ತಿ) has assaulted to Cw2 on his left hand and left portion of the chest with the same sword (ಮಂಡೆ ಕತ್ತಿ) and caused grievous injuries, thereby, committed the offence punishable U/sec.118(1) of BNS?
2. What order?

6. On hearing the arguments and on perusal of the materials placed on record, my answers to: -



Point No.1 :- In the Negative
Point No.2 :- As per final order
 for the following:-

R E A S O N S

7. **Point No.1:** The Cw1 being the complainant witness has got examined as Pw1. The Pw1 has completely turned hostile to the case of prosecution. The Pw1 in her chief examination has deposed that accused is her brother, Cw2 and Cw3 are her parents, no quarreling has taken place between them, no harm has caused to her parents by the accused, her father has not taken any treatment in the hospital. She identified her signature in the first information and same has been marked as Ex.P1 and signature as Ex.P1(a). She further identified her signature in the mahazar and same has been marked as Ex.P2 and signature as Ex.P2(a). She do not know the contents of Ex.P1 and Ex.P2 and noting has been seized in her presence. Hence, Pw1 was treated as hostile to prosecution case and subjected to cross examination by learned APP



posing the case of prosecution as narrated above. But nothing has been elicited from her in support of prosecution case. Denies as false, accused is her brother, hence she is deposing false before the court.

8. The Cw2 who is the victim witness got examined as Pw2. The Pw2 has completely turned hostile to the case of prosecution. The Pw2 in his chief examination has deposed that accused is his son, Cw1 is his wife and Cw3 is his daughter, no quarreling has taken place between them, he has not taken any treatment in the hospital, he has not given any statement to the police. He has not identified the sword. Hence, Pw2 was treated as hostile to prosecution case and subjected to cross examination by learned APP posing the case of prosecution as narrated above. But nothing has been elicited from him in support of prosecution case. Denies as false, accused is his son, hence he is deposing false before the court. The statement which is



said to have given before police is denied that got marked as Ex.P3.

9. The Cw3 eye witness got examined as Pw3. The Pw3 has completely turned hostile to the case of prosecution. The Pw3 in her chief examination has deposed that accused is her son, Cw1 is her daughter, Cw2 is her husband, no quarreling is taken with her husband, her son is not assaulted to her husband, her husband has not taken any treatment in the hospital, she has not given any statement to the police, she has not identified the sword (ಮಂಡೆ ಕತ್ತಿ). Hence, Pw3 was treated as hostile to prosecution case and subjected to cross examination by learned APP posing the case of prosecution as narrated above. But nothing has been elicited from her in support of prosecution case. Denies as false, accused is her son, hence she is deposing false before the court. The statement which is said



to have given before police is denied that got marked as Ex.P4.

10. The Pw1 to Pw3 being the material witnesses have turned hostile and not supported to the case of prosecution. Under such circumstances this court is of the opinion that the examination of other witnesses will be a futile exercise and waste of court time. Hence, this court rejected the prayer of the learned APP for issuance of summons to other witnesses. Hence, the other charge sheet witnesses are dropped, as no purpose would be served by examining them. In support of this court relies upon the decision reported in 1996(3) Crimes Page No.84 in between Sathish Mehara V/s Delhi Administration and Another wherein, at para "B" the Hon'ble Supreme Court pleased to held that:-

"When the judge is fairly certain that there is no prospectus of the case ending in conviction. The valuable time of the court should not be wasted for holding a trial only for the purpose of formally completing the procedure to pronounce the conclusion on the future date".



The above principle of law laid down by the Hon'ble Supreme Court in the above case applicable to the present case in hand.

11. On careful appreciation of evidence laid down on behalf of the prosecution, it reveals that Cw2 has not testified with regard to the essential ingredients of the accused person assaulted to him with the sword (ಮಂಡೆ ಕತ್ತಿ). Hence, on careful and meticulous appreciation of evidence and considering totality of circumstances, the prosecution has failed to prove beyond reasonable doubt that charge leveled against the accused person is true. Hence, considering the overall circumstances, this court answers the Point no.1 in the Negative.

12. **Point No.2:** On the foregoing reasons, this court proceeds to pass the following:

O R D E R

Acting under Sec.271(1) of B.N.S.S,
the accused is hereby acquitted for the



offence punishable under Sec.118(1) of B.N.S.

The property reported in P.R.No.105/2025 that is sword (ಮಂಡೆ ಕತ್ತಿ) shall be confiscated to state after the appeal period is over.

The bail bond and surety bond of accused person stands canceled.

(Dictated to the stenographer directly on my computer, after clerical additions by him, script revised, corrected and pronounced by me in the Open Court on this the 13th day of July 2026)

- sd -
Shrinath A
Civil Judge and J.M.F.C.
Ponnampet.

ANNEXURES

1) List of Witnesses examined on behalf of prosecution:-

Pw1 : Mis.Akshitha,
Pw2 : Sri.Mohan,
Pw3 : Smt.Lalitha,

2) List of documents marked on behalf of prosecution:-

Ex.P1 : Complaint,
Ex.P1(a) : Signature of Pw1,
Ex.P2 : Mahazar,
Ex.P2(a) : Signature of Pw1,
Ex.P3 : Denial statement of Pw2,
Ex.P4 : Denial statement of Pw3,

3) List of M.O. marked on behalf of prosecution:-

-Nil-



4) List of witness examined on behalf of Accused:-

-Nil-

5) List of documents marked on behalf of Accused:-

-Nil-

- sd -

Civil Judge and J.M.F.C.
Ponnampet.