



IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC.,
VIRAJPET

PRESENT: Sri. Vishwanath A. B.B.A.,LL.B.,
Prl.Civil Judge & JMFC.,
Virajpet.

DATED THIS THE 16th DAY OF JULY 2026

CRIMINAL CASE NO:538/2021

BETWEEN:

The State, represented by
Virajpet Town Police Station,
Virajpet Taluk.

...Complainant
(By Smt.Chaithra.M.G., Learned A.P.P. *)

*Corrected vide
order
dt: 17.07.2026

AND:

Muneer.M.A,
Aged about 39 years,
S/o Ajeez,
R/at Vidyanagar,
Virajpet Taluk,
Virajpet.

... Accused
(By Sri. H.R.Anwar, Adv.,)

1	Date of occurrence of offence	20.12.2020
2	Date of report of offence	20.12.2020
3	Name of complainant	A.A.Zakeera
4	Date of commencement of evidence	16.12.2022
5	Date of closure of evidence	06.12.2024
6	Offences complained of	Under Sections 323, 324 and 504 of IPC.



7	Opinion of the Judge	Accused found guilty.
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(Vishwanath A.)
Prl. Civil Judge & JMFC.,
Virajpet.

JUDGMENT

The Sub-inspector of Police, Virajpet Town Police Station has submitted charge sheet against accused for the offences punishable under Sections 323, 324 and 504 of IPC.

2. The prosecution case in nutshell is that on 20.12.2020 at about 08.30 a.m., CW1 was engaged in kitchen work at her house situated at Vidyanagar, Virajpet. At that time, the accused allegedly pulled the gas stove and abused her in filthy language, asking her to leave the house along with the child and sleep on the road. When CW1 attempted to record the incident on video, the accused allegedly assaulted her with his hands and caused hurt. It is further alleged that the accused then attempted to strike CW1 with a sickle. While trying to ward off the blow with her left hand, CW1 sustained injuries to her palm, ring finger, and little finger. On these allegations, the prosecution contends that the accused committed offences punishable under Sections 323, 324 and 504 of the IPC.

3. The copies of charge sheet materials supplied to the accused in compliance of Section 207 of Cr.P.C. The accused is released on bail. After hearing the prosecution and so also the



accused, charges for the offences punishable under Sections 323, 324 and 504 of IPC are framed, read over and explained to the accused. Accused denied the charges and claimed to be tried.

4. To bring home the guilt of accused, the prosecution has examined the witnesses as PW1 to PW10, got marked documents as Ex.P1 to Ex.P21. Material objects are marked as MO1 to MO5.

5. After completion of prosecution evidence, the incriminating evidence appearing against the accused is read over and their statement under Section 313 of Cr.P.C., is recorded. Accused denied the incriminating evidence and did not choose to lead defense evidence.

6. Heard the arguments addressed by both sides and also perused the entire materials on record.

7. The points that arise for consideration are as follows:

1. Whether the prosecution proved beyond all reasonable doubt that on 20.12.2020 at about 08.30 a.m., when CW1 was engaged in kitchen work at the kitchen of her house situated at Vidayanagar of Virajpet, accused pulled the gas stove and abused her in filthy language, asking her to leave the house along with the child and sleep on the road, thereby committed the offense punishable under Sections 504 of IPC?
2. Whether the prosecution proved beyond all reasonable doubt that on the said date, time



and place when CW1 attempted to record the incident on video, the accused assaulted her with his hands and caused hurt, and thereby committed the offense punishable under Sections 323 of IPC?

3. Whether the prosecution proved beyond all reasonable doubt that on the said date, time and place, the accused further attempted to strike CW1 with a sickle and while trying to ward off the blow with her left hand, CW1 sustained injuries to her palm, ring finger, and little finger and thereby committed the offense punishable under Sections 324 of IPC?

4. What order?

- 8.** The findings of this Court on the above points are:

Point No.1: **In the Affirmative**

Point No.2: **In the Affirmative**

Point No.3: **In the Affirmative**

Point No.4: As per the final order
for the following:

REASONS

- 9. Point No.1 to 3:** These points require common appreciation of materials on record. Thus, to avoid repetition of



facts and appreciation, all these points are taken for common discussion.

CW1 who is the alleged victim, is examined as PW1. She deposed that the accused is her husband and that, on 20.12.2020 at about 08.30 a.m., while she was working in the kitchen, the accused pulled the gas stove and asked her to leave the house along with the child. She further stated that he abused her in filthy language. According to PW1, when she attempted to record the incident on her mobile phone, the accused assaulted her with his hands and tried to snatch the mobile phone. When she refused to hand it over, the accused allegedly went to the bedroom, brought a sickle, and attempted to strike her. PW1 stated that she warded off the blow with her left hand, due to which she sustained injuries to her palm and two fingers. She then applied a bandage and went to the hospital at about 09.30 a.m. The police came to the hospital and recorded her statement as per Ex.P1. PW1 further stated that, on 20.03.2020, the police visited her house, where she showed the place of incident. A mahazar was drawn as per Ex.P2, photographs at Ex.P3 to Ex.P12 were taken, and the sickle marked as MO1, along with two tissue papers, blood-stained cotton, and the shawl worn by her at the time of the incident, marked as MO3 to MO5, were seized in the presence of CW4 and CW5.

10. During cross-examination, PW1 denied the suggestion that the accused was in Dubai on the date of the alleged incident. She stated that, on that day, she and her child were in the house



and that she had not quarreled with the accused. She further stated that she shouted at the time of the incident; however, since the gate of the house was locked, no one came to the house. PW1 also stated that the police visited the hospital on the next day of the incident. She was discharged from the hospital on 23.12.2020 at about 10.00 a.m., and the mahazar was drawn on the same day between 12.00 p.m and 12.30 p.m. She admitted that C.C. No.591/2021, registered pursuant to her complaint alleging dowry demand by the accused, is pending trial.

11. CW3 is the father of CW1 and herein the case examined as PW2. He stated that CW1/PW1 informed him about the incident, after which he went to the Government Hospital, Virajpet. At the hospital, he saw the injuries sustained by CW1 and stated that the police had come there and recorded her statement. PW2 did not appear for cross-examination.

12. CW4 and CW5 are cited as mahazar witnesses to Ex.P2. They are examined as PW3 and PW4 and identified their signatures on the mahazar. However, PW3 stated that she did not know anything about the case and that the police obtained her signature at her house. She further stated that she had not given any statement to the police and that she was seeing MO1 to MO5 for the first time before the Court. Though this witness was cross-examined by the prosecution, nothing material is elicited in support of the prosecution case.

13. PW4 stated that, on 23.12.2020, the police came to the house of CW1 and drew the mahazar as per Ex.P2 between 12.15



p.m. and 02.00 p.m. She further stated that, during the said mahazar, the sickle marked as MO1, cotton marked as MO4, and shawl marked as MO5 were seized, and photographs marked as Ex.P3 to Ex.P12 were taken. As the prosecution treated this witness as partly hostile, she was cross-examined by the prosecution. In that cross-examination, she stated that she had not observed whether CW1 showed the spot to the police or handed over MO1 to MO5 to them. However, she stated that the police had seized those articles. During cross-examination on behalf of the accused, PW4 stated that she did not know about any quarrel between CW1 and the accused. She also stated that she was residing on the first floor of the house belonging to the accused and admitted that she was not present in the house on 23.12.2020.

14. CW2 is the son of CW1 and the accused and is examined as PW8. He narrated the incident substantially in line with the evidence of PW1. During cross-examination, he stated that only he and his parents were present in the house. He stated that he did not know the date of the incident. He denied the suggestion that he was falsely deposing as tutored by his mother and grandfather.

15. CW12/PW9 who is the doctor, stated that on 20.12.2020 at about 09.00 a.m., CW1 came to the Government Hospital, Virajpet, with a history of assault by her husband on the same day. On examination, he found lacerated wounds on the little finger, the palmar aspect of the left ring finger, the palmar aspect



of the middle finger, and the palmar aspect of the left palm, with bleeding noted in respect of injuries. After treating CW1, he issued the wound certificate as per Ex.P16. He further stated that, on 29.12.2020, Virajpet Town Police produced the sickle marked as MO1 for his opinion regarding the injuries sustained by CW1. After examining MO1, he issued the certificate as per Ex.P17, opining that injuries of the nature sustained by CW1 could be caused by MO1. During cross-examination, PW9 stated that CW1 was accompanied by her father when she came to the hospital. He further stated that CW1 had not applied any cloth to the wound before visiting the hospital and that MO1 did not bear any bloodstains.

16. CW7/PW5 is a police constable who stated that on 20.12.2020 at about 12.00 p.m., he took the accused into custody near Bright School, Virajpet, and thereafter produced him before CW6 along with a report. During cross-examination, PW5 denied the suggestion that he was falsely deposing in support of his superior officer.

17. CW13/PW10 is the Investigating Officer who stated that on 20.12.2020 at about 09.15 a.m., he received information from the Government Hospital, Virajpet, regarding CW1. Immediately thereafter, he went to the hospital, received the intimation marked as Ex.P18, and recorded the statement of CW1 as per Ex.P1 between 09.30 a.m. and 10.30 a.m. He then returned to the police station and registered the FIR as per Ex.P19. On the same day, he instructed CW6 and CW7 to trace the accused, and



they produced the accused before him. Since CW1 was admitted in the hospital, the accused was not taken to the spot of occurrence for drawing the mahazar. Therefore, the accused was produced before the Court on 21.12.2020. PW10 further stated that he requested CW12 to furnish information regarding the blood group of CW1 and received the certificate marked as Ex.P20 on the same day.

18. PW10 further stated that, on 23.12.2020, after CW1 was discharged from the hospital, he visited the spot of occurrence. As the spot was shown by PW1, he drew the mahazar as per Ex.P2 in the presence of CW4 and CW5. During the said mahazar, he sealed and seized cotton containing bloodstains, tissue paper found at the spot, and the shawl of CW1, which also bore bloodstains. The mahazar was drawn between 12.30 p.m. and 02.00 p.m., and photographs marked as Ex.P3 to Ex.P12 were taken at that time. Thereafter, he returned to the police station and reported the seizure of the properties under P.F. No.167/2020. On the same day, he recorded the statements of CW4 to CW7 and also received the compact disc and certificate from CW10, marked as Ex.P13 and Ex.P15.

19. PW10 further stated that, on 01.01.2021, he received the wound certificate from CW12, marked as Ex.P16. On the same day, he produced the seized sickle before CW12 for opinion regarding the injuries and obtained the opinion report, marked as Ex.P17, along with the sickle marked as MO1. The said material object was packed for submission to the FSL. On 12.01.2021, he



sent MO1 to MO5 through CW9 for forensic examination. He recorded the statement of CW9 on 03.01.2021, the statement of CW3 on 20.02.2021, and the statement of CW2 on 21.02.2021. On 29.02.2021, he received the FSL report marked as Ex.P21. Thereafter, having got the statement of CW2 recorded under Section 164 of Cr.P.C., he submitted the charge sheet against the accused.

20. During cross-examination, PW10 stated that he received information from the hospital over a phone call and thereafter went to the hospital along with a staff member named Geetha. He stated that, at that time, no relatives of CW1 were present in the hospital. He further stated that CW1 was speaking in Kannada and that he recorded her statement as per Ex.P1. He denied the suggestion that CW1 did not know the Kannada language. PW10 also stated that, as the accused informed them that he did not have the key to the house, they did not enter the house at that time. He further stated that bloodstains were found in the bedroom of the house and that the blood had dried. According to him, MO1 was found in a drawer in the bedroom and was handed over by CW1. He admitted that MO1 did not bear any bloodstains. He stated that he collected blood found on the floor by using cotton. He denied the suggestion that MO3 and MO4 did not contain bloodstains and stated that they appeared to be red in colour. He further stated that, when he enquired with CW4 and CW5, they told him that they had not heard any quarrel. PW10 stated that he is not aware of the Crime No.96/2020, which was



registered pursuant to the complaint lodged by the accused against CW1 and CW3 ended up in 'B' report.

21. CW9/PW7 is a police constable. This witness stated that on 02.01.2021, he took MO1 to MO5 to the RFSL for examination. After submitting the material objects to the RFSL, he handed over the acknowledgment marked as Ex.P20 to the Investigating Officer. During cross-examination, he denied the suggestion that MO1 to MO5 were not connected with this case.

22. On careful appreciation of the prosecution evidence, it is seen that PW1 has consistently stated that, on 20.12.2020, the accused abused her in filthy language, assaulted her with his hands when she attempted to record the incident on her mobile phone, and thereafter brought a sickle and attempted to assault her. She further stated that, while warding off the blow with her left hand, she sustained injuries to her palm and fingers. In this background, if the complaint statement at Ex.P1 is looked into, it is apparent that the version of PW1 regarding the manner in which she sustained the injuries remained consistent from the stage of the complaint up to her evidence before the Court. Though the defence suggested about pendency of another criminal case between the accused and PW1 arising out of matrimonial dispute. But the mere pendency of said case is not by itself, sufficient to discard the testimony PW1.

23. The evidence of PW8, who is the son of PW1 and the accused, substantially corroborates the testimony of PW1 regarding the occurrence inside the house. Though PW8 is a child



witness, nothing has been elicited during his cross-examination to show that he was incapable of understanding the questions or that his testimony is the result of tutoring. In fact, the answers of PW8 to the court questions satisfies his capability to give evidence. The presence of PW8 at the spot of occurrence is natural, and his evidence lends support to the version of PW1.

24. Further, the medical evidence of the doctor examined as PW9 supports the prosecution case. It could be seen that PW9 examined the victim-PW1 shortly after the occurrence and found lacerated injuries on her left palm and fingers, with active bleeding. The wound certificate marked as Ex.P16 disclose a history of assault by her husband on the same day. PW9 also issued the opinion at Ex.P17, stating that the injuries sustained by PW1 could have been caused by MO1- sickle produced before him. Though there are inconsistencies in the testimony of PW1 and PW9 regarding attendants of PW1 and applying bandage to the injuries. But the same are immaterial as the fact that PW1 sustained injuries to her left hand and she was treated by PW9 remained intact. There is nothing on record to discredit either the nature of the injuries or the medical opinion recorded by PW9. Further, the absence of visible bloodstains on MO1 at the time it was produced before the doctor does not, by itself, negate his opinion regarding the possibility of the said injuries being caused by that weapon.

25. The defence has questioned the seizure of MO1 to MO5 under Ex.P2 on the ground that PW3 did not support the



prosecution and PW4 partly turned hostile. However, the evidence of a hostile witness need not be rejected in its entirety. The portion of such evidence that supports the prosecution may be relied upon, provided it is found credible. In the present case, PW4 has admitted that the police visited the spot and seized MO1, cotton, and the shawl during the mahazar. Further, the evidence of PW10-Investigating Officer, regarding the seizure remained substantially unshaken. Further, the RFSL report at Ex.P21 confirms that the blood detected on MO2, 3 and 5 is of the same blood group as that of PW1, as certified by the doctor as per Ex.P20. The presence of PW1's blood on the articles seized from the place of occurrence substantially corroborates the prosecution version that PW1 sustained bleeding injuries in the house during the occurrence. This evidence which corroborates the medical evidence rules out the possibility of false implication on the ground suggested by the defence.

26. The defence has attempted to create doubt by contending that the accused was not present at the spot and by referring to another criminal case allegedly lodged by the accused. However, no convincing material has been produced to probabalize the plea that the accused was elsewhere at the relevant time. The suggestion that the accused was in Dubai on the date of the incident was specifically denied by PW1, and no documentary evidence has been placed on record to substantiate that plea. Further, the defence itself suggested to PW1 that she had quarrelled with the accused, which is inconsistent with the plea that the accused was elsewhere on the date of occurrence. This



inconsistency weakens the defence version and does not create any reasonable doubt in the prosecution case.

27. On overall appreciation of the prosecution materials, the fact that the accused abused PW1 in filthy language before the assault, intending to insult and provoke her, he also assaulted her with his hands while trying to snatch her mobile phone, constituting voluntary hurt and attempted to assault PW1 with MO1, a sickle, and that she sustained bleeding injuries while warding off the blow stands established beyond all reasonable doubt. Though PW1 was abused in filthy language inside her house, the words uttered by the accused as narrated by her, are insulting and provoking. The above established overt acts of the accused satisfy the ingredients of the offences punishable under Sections 504, 323, and 324 of the IPC. Accordingly, this Court holds that the prosecution has established the occurrence and the guilt of the accused for having committed the offences punishable under section 504, 323, and 324 of IPC, beyond reasonable doubt. Hence, point No.1 to 3 are answered in **Affirmative**.

28. Point No.4: For the reasons recorded on the above points No.1 to 3, this Court is of considered view to convict the accused. Hence, the following:

ORDER

**Accused is convicted for the offences
punishable under Section 323, 324 and 504*
of IPC.**

*Corrected vide order dt: 17.07.2026



For hearing on sentence by: 02.45 PM.

*(Dictated to the Stenographer, transcribed by her, corrected and then pronounced by me in the open court on this the **16th day of JULY 2026, at Virajpet.**)*

(Vishwanath A.)
Prl. Civil Judge & JMFC.,
Virajpet.

ORDER ON SENTENCE

Case called out at 3.00 PM. Accused, his counsel and learned APP are present.

2. Heard the accused and also learned APP on the point of imposing sentence on the accused.

3. Accused submitted that the benefit of the Probation of Offenders Act, 1958, be extended to the accused contending that he is not involved in any other offences. He is sole bread earner in his family who has to look after his old aged father. He also submit that he has been falsely implicated by the PW1 in connection to the dispute with respect to the properties.

4. On the other hand, learned APP submitted that the offences were committed by the accused against his wife inside the matrimonial home. Accused not only voluntarily caused hurt but also assaulted the victim with a sickle which is a dangerous weapon, resulting in bleeding injuries. Therefore, the accused deserves the maximum punishment provided under the statute.



5. Herein the case, accused has been convicted for the offences punishable under Section 323, 324 and 504 of IPC. The maximum punishment provided for the offence punishable under Sec.324 is the imprisonment of either description for a term which may extend to 3 years, or with fine, or with both. The maximum punishment for the offence punishable under Sec.323 is the imprisonment of either description for a term which may extend to 1 year, or with fine which may extend to Rs.1,000/-, or with both. The maximum punishment for the offence punishable under Sec.504 of IPC is the imprisonment of either description for a term which may extend to 2 years, or with fine, or with both.

6. The evidence on record establishes that the accused abused the victim in filthy language, voluntarily caused hurt and also attempted to assault her with a sickle, causing bleeding injuries to her left palm and fingers. Victim is none other than the wife of accused and that the place of occurrence is the matrimonial home where the accused was bound to provide protection and security to the victim. There was no trivial altercation between the accused and victim immediately before the occurrence, and that the acts of accused is a clear domestic violence. Therefore, granting the benefit of probation to the accused would send an inappropriate message that the acts of violence within the matrimonial home will be viewed with undue leniency.

7. Under the above circumstances and also keeping in view the gravity of the offences, the manner of its commission, the use of weapon, the injuries sustained by the victim, and the



relationship between the accused and the victim, this Court is of view that this is not a fit case for extending benefit of the Probation of Offenders Act, 1958. Hence, while rejecting the prayer of accused for release on probation, this court proceed to pass the following:

SENTENCE

Accused is sentenced to undergo simple imprisonment for six months and to pay a fine of Rs.10,000/- for the offence punishable under Section 324 of IPC. In default of payment of fine, to undergo simple imprisonment for two months.

Accused is further sentenced to pay a fine of Rs.1,000/- for the offence punishable under Section 323 of IPC. In default of payment of fine, to undergo simple imprisonment for fifteen days.

Accused is further sentenced to pay a fine of Rs.5,000/- for the offence punishable under Section 504 of IPC. In default of payment of fine, to undergo simple imprisonment for one month.

All the substantive sentences of imprisonment shall run concurrently.



Out of the fine amount, if realized, a sum of Rs.15,000/- shall be paid to PW1 as compensation under Section 357(1) of Code of Criminal Procedure. Remaining sum of Rs.1,000/- shall be defrayed towards state expences.

The accused is entitled to the benefit of set-off under Section 428 of the Code of Criminal Procedure for the period of detention, if any, undergone during investigation or trial.

Bail bond stands cancelled.

MO.2 to 5 being worthless are ordered to be destroyed and MO.1 be confiscated to state, after lapse of appeal period.

Supply a free copy of this Judgment to the accused, forthwith.

*(Dictated to the court hall typist directly on computer, typed by her, corrected and then pronounced by me in the open court on this the **16th day of JULY 2026, at Virajpet.**)*

(Vishwanath A.)
Prl. Civil Judge & JMFC.,
Virajpet.

**ANNEXURE****LIST OF WITNESSES EXAMINED ON BEHALF OF THE PROSECUTION:-**

PW.1 : A.A.Zakira
PW.2 : Abdul Rehaman
PW.3 : M.U.Rashida
PW.4 : M.B.Tashin
PW.5 : Muneer.P.U
PW.6 : Lokesh
PW.7 : Santhosh Shekarappa Doddamani
PW.8 : Mohammed Safwan
PW.9 : Dr.Srinivas Murthy.C
PW.10 : Jagadish Doolashetty

LIST OF DOCUMENTS MARKED ON BEHALF OF THE PROSECUTION:-

Ex.P1 : Complaint
Ex.P1(a) : Signature of PW1
Ex.P2 : Mahazer
Ex.P2(a) : Signature of PW1
Ex.P2(b) : Signature of PW3
Ex.P2(c) : Signature of PW4
Ex.P2(d) : Signature of PW6
Ex.P3 to 12: Photographs
Ex.P13 : CD
Ex.P14 : Statement of PW3
Ex.P15 : 65 B extract
Ex.P15(a) : Signature of PW10
Ex.P15(b) : Signature of PW6
Ex.P16 : Wound Certificate



Ex.P16(a) : Signature of PW9
Ex.P16(b) : Signature of PW10
Ex.P17 : Medical Certificate
Ex.P.17(a) : Signature of PW9
Ex.P17(b) : Signature of PW10
Ex.P18 : Intimation
Ex.P18(a) : Signature of PW10
Ex.P19 : FIR
Ex.P20 : Laboratory report
Ex.P20(a) : Signature of PW10
Ez.P21 : FSL report
Ex.P21(a) : Signature of PW10

LIST OF MATERIAL OBJECTS MARKED ON BEHALF OF THE PROSECUTION:-

MO1 : Sickle
MO2 : Tissue paper
MO3&4 : Cotton box
MO5 : Shawl
MO1(a) to5(a): Signature of PW1

LIST OF WITNESSES EXAMINED ON BEHALF OF THE ACCUSED :-

-NIL-

LIST OF DOCUMENTS MARKED ON BEHALF OF THE ACCUSED :-

-NIL-

(Vishwanath A.)
Prl. Civil Judge & JMFC.,
Virajpet.

***MCT**

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