



**IN THE COURT OF THE III-ADDITIONAL DISTRICT &
SESSIONS JUDGE AT KOLAR
(SITTING AT K.G.F.)**

:: PRESENT ::

SHRI. SHIVAKUMARA. B.

B.A., LL.B.,

III-Additional District & Sessions Judge,
Kolar, (Sitting at K.G.F.)

Dated this 2nd day of July-2026

SC. NO.9/2026

COMPLAINANT:

State by:

Oorgaum Police Station, KGF.

(Rep: by Learned **P.P.**)

- V/s -

ACCUSED:

Ashwath,

S/o. Late. Venkatesh,

Aged about 46 years,

R/at. No.5, Fitter's Block,

Coramandal, KGF.

(Rep: by **Sri. D.K. Adv.**)

Date of Commission of offence	23.09.2025
Date of Report of offence	23.09.2025
Name of the complainant	Subramani



Offences charged against the accused persons	Section.109, 352 of BNS-2023.
Date of commencement of trial	30.06.2026
Date of closures of trial	01.07.2026
Opinion of court	Acquittal

JUDGMENT

The accused has been charge sheeted by the Sub-Inspector of Police, Bangarpet Police Station, for the offences punishable under Section.352, 109 of Bharatiya Nyaya Sanhita (BNS)-2023.

2. The brief facts of the case of prosecution are that:

On 23.09.2025 at about 5.00 p.m., the complainant went to the hair cutting shop belongs to the accused for shaving; at that time, the accused asked the complainant to return back Rs.5,000/- which was due to pay him. Then, the complainant told that he would pay the said amount after sometime. Then, immediately the accused picked up quarrel with the complainant and abused him in filthy words by using vulgar language and inflicted on his chin with the said shaving knife and caused grievous injuries and thereby attempted to commit murder. Accordingly, the



complainant had lodged the complaint before the police, on which basis, criminal case was registered in Crime No.60/2025 of Oorgaum Police Station, KGF, for the offences punishable under Section.118(1), 352 109 of Bharatiya Nyaya Sanhita-2023.

3. After receipt of the charge sheet, the Learned II-Addl. Civil Judge & JMFC at KGF, took cognizance of the alleged offences and after compliance, the case has been committed to this Court of Sessions. Now, the accused is on the court bail and he is duly represented by his counsel.

4. After hearing on both sides, the charge was framed against accused for the offences punishable under Section.352, 109 of BNS-2023, read over and explained to him, for which he pleaded not guilty and claimed to be tried.

5. Prosecution, in order to prove its case, got examined number of 6 witnesses as PW.1 to PW.6 and got marked Ex.P-1 to P-13. Statement of the accused under Section.351 of BNSS-2023, is dispensed-with, as there is no incriminating circumstances appeared against him in the evidence of prosecution.



6. Heard arguments on both sides.
7. The points that arise for consideration are as follows:

POINTS

1. Whether the prosecution proves beyond all reasonable doubt that on 23.09.2025 at about 5.00 p.m., in the hair cutting shop belongs to the accused and picked up quarrel with CW.1/ complainant in respect of money transaction and also abused him in filthy words by using vulgar language and thereby gave provocation, intending or knowing it to be likely that such provocation will cause to him break the public peace or to commit any other offence and thereby committed the offence punishable under Section.352 of BNS-2023?

2. Whether the prosecution further proves beyond all reasonable doubt that on the above said date, time and place, the accused with an intention to commit murder, inflicted on the chin of CW.1 Subramani by means of shaving knife



and caused grievous injuries and with such intention or having knowledge that under such circumstances if, the accused by that act caused the death of CW.1 and the accused would be guilty of murder of CW.1 and thereby committed the offence punishable under Section.109 of BNS-2023?

3. What order?

8. My findings on the above said points are as follows:

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

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

Point No.3: As per **final order**, for the following:

REASONS

9. **POINT NO.1 and 2**: The prosecution in order to prove its case, got examined number of 6 witnesses as PW.1 to PW.6.

10. PW.1 Subramani who is the complainant/ injured/ aggrieved/ victim and his witness box goes to show that he knows CW.2 and CW.3; but, he does not know the accused



who present before the court. He had not seen the accused earlier at anywhere. The accused has not made any quarrel, abused him in filthy words or assaulted him by means of knife and never attempted to commit murder. On identifying his signature found on Ex.P1 complaint, he deposed that about 1 year back, while he was standing in Ashok Nagar Bus stop, KGF, the police came there and obtained his signature on the said Ex.P1 complaint i.e., statement of injured. But, he does not know for what purpose and reasons, his signature was obtained by the police on the said complaint. Even, he does not know the contents of Ex.P1. Further, on identifying his signature found on Ex.P2 further statement, he deposed that he was not enquired by the police and not recorded his further statement at anywhere. He did not go to General Hospital, KGF at any time and not taken any treatment. Further, on identifying his signature found on Ex.P3 seizer mahazar, he deposed that when the police had obtained his signature on Ex.P1 complaint and Ex.P2 further statement, the police also obtained his signature on Ex.P3 seizer mahazar at Ashok Nagar Bus stop, KGF. But, he has not handed over any bloodstained cloths to the police and the same were not



seized by the police in his presence. He was not at all called by the police to the police station and no such cloths were produced by him and he does not know the contents of Ex.P1, Ex.P2 and Ex.P3. Hence, he turned hostile.

11. Apart from the evidence of the complainant/ injured/ aggrieved/ victim, the prosecution also got examined other independent eye witnesses, spot and seizer mahazar witnesses as PW.2 to PW.6.

12. On going through the evidence of PW.2 - Ram wherein he deposed that he knows CW.1 and CW.3 and also the accused who present before the court. But, he had not seen the accused picked-up quarrel with CW.1 and abused him in filthy words and also assaulted CW.1 by means of shaving knife and attempted to commit murder. He has not given any statement before the police stating that he witnessed the said incident. Further, on identifying his signature found on Ex.P4 spot mahazar, wherein he deposed that about 8 months back, he went to General Hospital, KGF, as he was suffering from ill-health and at that time, the police came there and obtained his signature on Ex.P4 mahazar. But, he was not taken by the police to the place of occurrence, nor



shaving shop belongs to the accused situated at Fitter's Block, KGF and no such mahazar was drawn and nothing was seized by the police in his presence. Even, he does not know the contents of Ex.P4 mahazar. Hence, he turned hostile.

13. PW.3 Sharavana is one of the eye witness and his witness box goes to show that he knows CW.1 and CW.2 in this case. But, he does not know the accused who present before the court. He had not seen the accused earlier at anywhere. He had not seen the accused quarreling with CW.1, abused him in filthy words and also assaulted with shaving knife and attempted to commit murder. He has not given any statement before the police stating that he witnessed the said incident. Hence, he turned hostile.

14. PW.4 - Rajan is another independent spot cum seizer mahazar witness. On identifying his signature found on Ex.P4 spot cum seizer mahazar he deposed that about 1 year back, the police came near Krishnavaram bus stop at KGF and at that time, they obtained his signature on Ex.P4. But, he does not know for what purpose, his signature was obtained on the said mahazar. He was not taken by the



police to the shaving shop belongs to the accused situated at Fitter's Block, KGF and no such mahazar was drawn in his presence and nothing was seized by the police at the spot. He does not know the contents of said spot mahazar. Even, he has not given any statement before the police. Hence, he turned hostile.

15. PW.5 - Stephen is another independent spot cum seizer mahazar witness. On identifying his signature found on Ex.P4 spot cum seizer mahazar, he deposed that about 6 months back, when he went to KGF Market, at that time, the police came there and obtained his signature on Ex.P4. But, he does not know for what purpose, his signature was obtained on the said mahazar. He was not taken by the police to the shaving shop belongs to the accused situated at Fitter's Block, KGF and no such mahazar was drawn in his presence and nothing was seized by the police at the spot. He does not know the contents of the said spot mahazar. Even, he has not given any statement before the police. Hence, he turned hostile.

16. PW.6 Sunil Kumar is another independent seizer mahazar witness. On identifying his signature found on



Ex.P3, he deposed that about 1 year back, when he went to Oorgaum Police Station, on his personal work, at that time, at the request of the police, he put his signature on Ex.P3. But, he does not know for what purpose the said mahazar was drawn by the police in his presence. But, no such mahazar was drawn in his presence and no cloths were seized by the police. He has not given any statement before the police in this regard. Hence, he turned hostile.

17. It is to be noted that eventhough, the learned Public Prosecutor has thoroughly cross-examined PW.1 to PW.6 at length, nothing helpful or favourable to the prosecution has been elicited from their mouth to prove the contents of Ex.P1 complaint, Ex.P2 further statement and Ex.P3 and 4 which are spot and seizer mahazars.

18. As discussed above, it is definite case of the prosecution that on 23.09.2025 at about 5.00 p.m., when the complainant went to the hair cutting shop belongs to the accused for shaving, at that time, the accused asked the complainant to return back Rs.5,000/- which was due to pay him; then, the complainant sought for time to pay the said amount, but, suddenly the accused picked up quarrel



with the complainant and abused him in filthy words by using vulgar language and inflicted on his chin with the said shaving knife and caused grievous injuries and attempted to commit murder. According, the accused has committed the alleged offences as per the above said provisions of law.

19. In this case, PW.1 is complainant/ injured/ aggrieved/ victim who lodged the complaint. According to the case of the prosecution, the accused had picked-up quarrel with PW.1 in respect of returning the amount of Rs.5,000/- which was borrowed by the complainant/PW.1 from the accused and accordingly, the accused picked-up quarrel in his shaving shop and abused him in filthy words and also assaulted the complainant/CW.1 with shaving knife on his chin and caused bleeding injuries and thereby attempted to commit murder. But, PW.1 has nowhere stated in his evidence that the accused picked-up quarrel in respect of returning the said amount of Rs.5,000/- in his shaving shop, abused him in filthy words and made attempt to commit murder by means of shaving knife. As per the contents of complaint and FIR and also the charge sheet, after the incident, the complainant went to the General Hospital, KGF, for treatment; while he was taking treatment



in the said hospital, the Oorgaum Police visited the said hospital and recorded his statement as per Ex.P1 and also recorded his further statement as per Ex.P2 in the hospital in the presence of the concerned Medical officer. But, according to the version of PW.1, he never went to the General Hospital, KGF, and not taken any treatment therein. Except identifying his signature found on Ex.P3 spot and seizer mahazar, he stated that he never produced his bloodstained cloths before the police in the police station and no such mahazar was drawn and no such cloths were seized by the police. As per the version of PW.1, on one day, while he was standing near Ashok Nagar bus stop, KGF, at that time, the police came there and obtained his signatures on Ex.P1 complaint, Ex.P2 further statement and also Ex.P3 spot and seizer mahazar. But, he was not called by the police to the police station and not produced any cloths before the police. Hence, PW.1 has completely turned hostile and not supported the prosecution case.

20. As already discussed above, PW.2 and PW.3 are alleged eye witnesses to the incident. But, they have completely turned hostile and not supported the case of prosecution. As per the version of PW.2 and PW.3, they had not seen the



accused quarreling with CW.1, abused him and assaulted him with shaving knife and thereby attempted to commit murder. Even, PW.2 who is independent spot cum seizer mahazar witness in whose presence the weapon i.e., shaving knife used by the accused for commission of offences was seized by the police in his presence, has totally turned hostile, except identifying his signature found on Ex.P4. PW.4 is also another spot cum seizer mahazar witness in whose presence the concerned police said to be drawn the spot mahazar at the place of occurrence i.e., in the shaving shop of the accused and seizer of knife used by the accused for commission of offence, has totally turned hostile, except identifying his signature found on Ex.P4 spot and seizer mahazar. Even, PW.5 is also another independent spot cum seizer mahazar witness and he also turned hostile, except identifying his signature found on Ex.P4 mahazar. PW.6 is the seizer mahazar witness in whose presence the complainant had produced his bloodstained cloths in the police station and in whose presence the police had seized the said cloths also turned hostile, except identifying his signature found on Ex.P3 mahazar. Therefore, all the above said witnesses examined on behalf of the prosecution have



totally turned hostile and not supported the prosecution case.

21. Eventhough, the learned Public Prosecutor has thoroughly cross-examined PW.1 to PW.6 at length, nothing favourable or helpful to the prosecution has been elicited from the mouth of the above said witnesses to prove the guilt of the accused.

22. By considering the same, this court has come to the conclusion that since all the above said independent witnesses including injured/ aggrieved/ victim have totally turned hostile to the prosecution, the examination of remaining witnesses would not serve any purpose. Hence, the prayer of the learned Public Prosecutor for issuance of summons to the remaining witnesses was rejected and prosecution side evidence was taken as closed. However, by consent of both learned counsel for the accused and also learned Public Prosecutor, the wound certificate, FSL acknowledgment, requisition submitted by Investigating Officer to the concerned Medical officer and final opinion given by the concerned Medical officer in respect of the weapon are all marked as Ex.P10 to P13 respectively. Since,



the independent witnesses including the complainant/ victim/ aggrieved have not supported the prosecution case, mere marking of the said documents will not come to the aid of the prosecution to prove the guilt of the accused. Under such circumstances, considering the facts of the case, evidence of PW.1 to PW.6, material available on record and also for the aforesaid reasons, I am of the opinion that the prosecution has utterly failed to prove the guilt of the accused beyond all reasonable doubt and hence, accused is entitled to be acquittal by the hands of this court by extending the benefit of doubt in his favour. Accordingly, I answered **Point No.1 and 2** are in the **Negative**.

23. **POINT No.3**: In view of my findings on the above said Points No.1 and 2, I proceed to pass the following:

ORDER

Acting under Section.258(1) of BNSS-2023, accused is acquitted for the offence punishable under Section.352, 109 of Bharatiya Nyaya Sanhita (BNS)–2023.



The accused is set at liberty forthwith in this case.

Property i.e., shaving knife seized under P.F. No.49/2025 and properties i.e., bloodstained Khaki color half sleeve shirt and pant seized under P.F. No.57/2025 are ordered to be destroyed as worthless after expiry of appeal period.

(Dictated to the stenographer, transcribed by him, revised, corrected and then pronounced by me in the open Court on this 2nd day of July-2026)

(SHIVAKUMARA. B)
III-Addl. District & Sessions Judge,
Kolar (Sitting at K.G.F.)

ANNEXURE

Witnesses examined on behalf of the prosecution:

PW.1:	Subramani
PW.2:	Ram
PW.3:	Sharavana
PW.4:	Rajan
PW.5:	Stephen
PW.6:	Sunil Kumar



Documents marked on behalf of the prosecution:

Ex.P1:	Statement/complaint
Ex.P2:	Further statement of PW.1
Ex.P3:	Seizer mahazar
Ex.P4:	Spot mahazar
Ex.P5:	Statement of PW.2
Ex.P6:	Statement of PW.3
Ex.P7:	Statement of PW.4
Ex.P8:	Statement of PW.5
Ex.P9:	Statement of PW.6
Ex.P10:	Wound Certificate
Ex.P11:	FSL Acknowledgment
Ex.P12:	Requisition Letter
Ex.P13:	Medical Final Opinion

Witnesses examined on behalf of the accused:

- None -

Documents exhibited on behalf of the accused:

- Nil -

Material objects exhibited on behalf of the prosecution:

- Nil -

(SHIVAKUMARA. B)
III-Addl. District & Sessions Judge,
Kolar (Sitting at K.G.F.)