

KAKL500032712025



**IN THE COURT OF THE PRL. SENIOR CIVIL JUDGE
AND J.M.F.C., K.G.F.**

Present: **Smt. N.B. JAYALAKSHMI, B.A.L, LL.B.,**
Prl. Senior Civil Judge & JMFC, KGF.

Dated this the 1st day of August, 2026

C.C.NO.2006/2025

Complainant : State by
Robertsonpet Police station.
(By Smt. Asst. Public Prosecutor)

-Vs.-

Accused : Ajith @ Inbarasan S/o Arjun,
Aged about 24 years,
R/at Gandhi Nagara,
6th Cross,
Robertsonpet, KGF.
(By Sri. V. Velayudham, Adv.)

1. Date of commencement of offence: 12.12.2019
2. Date of report of offence : 31.12.2019
3. Arrest of the accused : 07.08.2025
4. Name of the complainant : Raja
5. Date of recording evidence : 25.07.2026
6. Date of closing of evidence : 25.07.2026

7. Offences complained of : Secs.323, 324 & 504
R/w Sec.34 of IPC
8. Opinion of the Judge : Found not guilty

~:: JUDGMENT :~

The Sub Inspector of Police, Robertsonpet Police Station, KGF has filed the charge sheet against the accused for the offence punishable Secs.323, 324 and 504 R/w Sec.34 of IPC.

2. The case of the prosecution is that on 12.12.2019 at about 6.30 p.m. within the jurisdiction of Robertsonpet Police Station after the work when CW1 was returning to his residence at that time all of the sudden accused picked up quarrel with CW1 and abused CW1 in filthy language and also assaulted CW1 by stone and caused bleeding injuries. Further when CW2 came to pacify the galata at that time the accused along with child-in-conflict by law by name Rakesh assaulted CW2 by hand and kicked by legs and thereby the accused and CCL by name Rakesh have committed the offence

punishable under Sections 323, 324 and 504 R/w Sec.34 of IPC.

3. On the basis of the complaint lodged by C.W.1, the P.S.I. of Robertsonpet Police Station has registered the case in Cr.No.92/2019. Thereafter, the accused has appeared before the court and obtained bail. The investigating officer inspected the spot and drawn spot mahazar and recorded the statement of all the witnesses and on completion of investigation, he filed the charge sheet against the accused.

4. In pursuance of issuance repeated process against the accused, the presence of accused was not secured by the prosecution and thereafter, evidence U/Sec.299 of Cr.P.C. was recorded and after obtaining necessary permission from Hon'ble Prl. & District Judge, Kolar the case was registered as long pending case and warrant was issued against the accused. Further on perusal of the records shows that NBW issued against

accused was duly executed and produced before the court and thereafter, the present case was registered against the accused and he was remanded to J.C. and later he was obtained bail from this court.

5. The copies of the charge sheet furnished to the accused as provided under Section 230 of BNSS (U/Sec. 207 of Cr.P.C.). Thereafter, the charge was framed, read over and explained to the accused in the language known to him, for which accused pleaded not guilty and claimed to be tried. Hence, the matter was posted for evidence.

6. To bring home the guilt of the accused, the prosecution has cited 11 witnesses in the charge sheet, but examined only two witnesses as P.W.1 and 2 and got marked two documents as per Ex.P.1 and 2. The evidence of C.Ws.3 to 11 was dropped. Since, there was no incriminating evidence against the accused, the statement of the accused U/Sec.351 of BNSS (U/Sec.313 of Cr.P.C.) was dispensed.

7. Heard arguments from both side.

8. The points that arise for the consideration of this court is as follows:-

1. Whether the prosecution proves beyond all reasonable doubt that on 12.12.2019 at about 6.30 p.m. within the jurisdiction of Robertsonpet Police Station after the work when CW1 was returning to his residence at that time all of the sudden accused picked up quarrel with CW1 and abused CW1 in filthy language and thereby committed the offence punishable U/Sec.504 R/w Section 34 of IPC?

2. Whether the prosecution proves beyond all reasonable doubt that on the same date, time and place, the accused along with CCL with a common intention assaulted CW1 by stone and caused bleeding injuries and thereby committed the offence punishable U/Sec.324 R/w Section 34 of IPC?

3. Whether the prosecution proves beyond all reasonable doubt that on the same date, time and place, the accused along with CCL with a common intention, the accused along with child-in-conflict by law by name Rakesh assaulted CW2 by hand and kicked by legs and thereby committed the offence punishable U/Sec.323 R/w Section 34 of IPC?

4. What sentence or order ?

9. The answers to the above said points are as follows:-

Points No.1 to 3 : In the Negative.

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

:: REASONS ::

10. **Points No.1 to 3:-** These points are inter-related with each other, as such they are taken up together for common discussion in order to avoid repetition facts and discussions.

11. In order to prove these points the prosecution mainly relies upon the evidence of P.W.1 and 2 and documentary evidence as per Ex.P.1 and 2. In this case, the C.W.1 being the complainant and injured was examined as P.W.1. P.W.1 in his chief-examination has stated that he do not know the accused and C.W.2 is his wife. Further, he has stated that the accused has not abused him in filthy language and has not assaulted him by hands and also by means of any brick on his chest and head and also the accused has not assaulted C.W.2.

Further, P.W.1 has stated that he has not lodged any complaint to the police as per Ex.P1. Further, he has stated that he is not aware of the contents of the complaint as per Ex.P1. Further, he has failed to identify the material objects placed before the court. Therefore, the prosecution officer treating P.W.1 as hostile, even though cross-examined with due permission of the court nothing was elicited by the learned prosecution officer to support the case of the prosecution regarding the alleged assault caused to him and C.W.2 by hands, in any weapon and usage of abusive language by the accused to him. From this, it shows that the evidence of P.W.1 is not in consonance with the complaint averments. From this, it is crystal clear that P.W.1 has miserably failed to give the correct account of the alleged incident.

12. Now coming to the evidence of C.W.2 being the injured/victim and eye witness is examined as P.W.2. P.W.2 in her chief-examination has stated that she do

not know the accused and C.W.1 is her husband. Further, she has stated that the accused has not abused CW1 in filthy language and also not assaulted CW1 by hands and in any weapon to his chest and head and also accused has not assaulted her. Further, P.W.2 has stated that she has not given any statement to the police. Further, she has failed to identify the material objects placed before the court. Therefore, the prosecution officer treating P.W.2 as hostile, even though cross-examined with due permission of the court nothing was elicited by the learned prosecution officer to support the case of the prosecution regarding the alleged assault caused to her and C.W.1 by hands, in any weapon and usage of abusive language by the accused to C.W1. From this, it shows that the evidence of P.W.2 is not in consonance with the complaint averments. From this, it is crystal clear that P.W.2 has miserably failed to give the correct account of the alleged incident.

13. Therefore, the evidence of C.W.3 to 11 was dropped by the prosecution as it would be a futile attempt by examining them. Absolutely, there is no evidence regarding the assault caused to C.W.1 and 2, use of abusive language to P.W.1 by the accused. From this, it shows that the prosecution has miserably failed to prove the guilt of the accused beyond all reasonable doubt. Hence, the accused is entitled for the benefit of doubt. Hence, in view of above discussion, points No.1 to 3 are answered in the **Negative**.

14. **Point No.4:** For the foregoing reasons, discussion and findings to the above points No.1 to 3, proceed to pass the following:

ORDER

Acting U/Sec.271(1) of BNSS
(U/Sec. 248(1) of Cr.P.C) accused is
acquitted of the offence punishable
U/Secs.323, 324 and 504 R/w Sec.34
of IPC.

Bail bond of accused and cash
security amount furnished by him

U/Sec.480 of BNSS shall remain in force for a period of six months from the date of the judgment. If any intimation is not received from the Appellate Court within that period automatically bonds executed stands cancelled after the expiry of appeal period.

The property i.e., half seize two bricks seized in this case under P.F.No.106/2019 dated:13.12.2019 are ordered to be destroyed after the expiry of appeal period.

(Dictated to the Stenographer directly on computer, typed by her, corrected and then pronounced by me in the open court on this the 1st day of August, 2026)

(N.B. Jayalakshmi)
Prl. Senior Civil Judge and JMFC,
K.G.F.

A N N E X U R E**List of witness examined for the prosecution:-**

P.W.1 : Sri. Raja
P.W.2 : Smt. Rathna

List of documents exhibited for the prosecution:-

Ex.P.1 : Complaint (Statement)
Ex.P.1(a) : Signature of P.W.1
Ex.P.2 : Statement of P.W.2

List of Material Objects got marked for prosecution:-

-Nil-

List of witnesses examined for the accused :-

-Nil-

List of documents exhibited for the accused:-

-Nil-

(N.B. Jayalakshmi)
Prl. Senior Civil Judge and JMFC,
K.G.F.