



IN THE COURT OF PRL. CIVIL JUDGE & J.M.F.C.,
AT K.G.F

PRESENT: **Smt. Shemida.K, B.A.(Law), LL.B.,**
PRL. CIVIL JUDGE & JMFC
AT K.G.F.

C.C. No.1911/2022

DATED THIS THE 25th DAY OF JUNE, 2026

Between :-

Complainant : State by Andersonpet Police
Station, KGF.

(By Assistant Public Prosecutor)

V/S

Accused : **Gurumuthy Reddy,**
S/o Appoji Reddy,
Aged about 36 years,
R/at Allikallu Village,
Gataamadamangala Post,
K.G.F.

(By Sri.K.M.Venkataramaiah., Adv.)

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|------------------------------------|---|-----------------------------------|
| 1. Date of commencement of Offence | : | 12.07.2022 |
| 2. Date of report of the offences | : | 12.07.2022 |
| 3. Name of the Complainant | : | Sri. Babu,
S/o Munivenkatappa. |

4. Offence complained of : U/Sec. 323, 324 and 504 of IPC.
5. Date of recording of the evidence : 16.08.2023
6. Date of closing of the evidence : 09.01.2024
7. Opinion of the Judge : As per final order.

Sd/-

(SHEMIDA. K)

Prl. Civil Judge & JMFC.,
K.G.F.

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J U D G E M E N T

The police Sub Inspector of Andersonpet Police Station has filed a Final Report against the accused by alleging the offences punishable under Sec.323, 324 and 504 of IPC.

2. The brief facts of the prosecution case is:

That on 12.07.2022 at about 2.30 pm., within limits of Andersonpet police station, when CW1/Babu and CW2/Babu reddy were at Government school Allikallu village, at that time the accused came to the spot and questioned CW1 regarding his work and when CW1 replied to him that it is village work and he is doing development work of the village, at that time the accused picked-up quarrel with him and abused CW1 in filthy language and assaulted him with stick on his forehead left side, back side of head, left shoulder and waist and also on left hand and right leg and caused

bleeding injuries too him and also assaulted on his nose and at that time CW2/Babureddy was present and accused alleged him that he also with CW1 and assaulted CW2 on his right leg, left and punched on his eyes and caused injury to him and thereby the accused has committed the aforesaid offences.

3. In this regard, the complainant – Babu, S/o Munivenkatappa has set criminal law into motion by filing an first information before Police Sub Inspector of Andersonpet Police Station. Based on said information, the police have registered a case in Crime No.74/2020, for the alleged offences punishable under Sec.323, 324, 504 and 506 of IPC and submitted FIR to this Court for the aforesaid offences. Thereafter Investigating Officer had been to the spot, drew up mahazar in the presence of witnesses. He recorded the statement of material witnesses, collected documents and seized the materials used for the alleged offences. After concluding the evidences IO filed charge-sheet against the accused for the offences punishable under Sec.323, 324 and 504 of IPC and he has dropped Sec.506 of IPC.

4. By taking into the cognizance of offences, a criminal case came to be registered and accordingly summons was issued to the accused. But the accused fail to appear, hence NBW issued against him. Meantime the accused had appeared through his Advocate and released on bail. Further the prosecution papers have

been supplied to the accused as required under Section 207 of Criminal Procedure Code.

5. Based on prosecution materials available on record, substance of accusation have been framed and read over and explained to the accused in the language known to him. Having understood the contents of the same, the accused has not pleaded guilty and claims to be tried. Hence case was posted for prosecution evidences.

6. In order to substantiate the case, the prosecution has examined ten witnesses as PW1 to PW10 and documents were got marked as Ex.P.1 and P7 and Stick marked as MO1. During the cross-examination of PW10, one document confronted to him by the counsel for accused and same was marked as Ex.D1. Further the prosecution has given up the evidence of CW9, hence evidence of CW9 was given-up. After concluding the evidences of prosecution the matter posted for examination of accused under Sec.313 of Cr.P.C.

7. Later the accused was examined under Sec.313 of Cr.PC wherein he has denied the incriminating circumstances appearing against him and submits that he has no defense evidence to lead. Hence defence evidence taken as nil and the matter posted for complainance of Sec.437 (A) of Cr.PC and arguments.

8. I heard the arguments on both sides. The counsel for accused files a memo adopting the earlier surety. Hence Sec.437(A) of Cr.P.C taken as complied. Perused the documents on record.

9. The points that arise for my consideration are:

- 1) **Whether the prosecution proves beyond all reasonable doubt that on 12.07.2022 at about 2.30 pm., within limits of Andersponpet police station, when CW1 and 2 were standing near Government Allikallu Village at that time the accused questioned CW1 about his work and abused him in filthy language and gave provocation to break public peace and thereby the accused has committed offence punishable under Section 504 of IPC?**
- 2) **Whether the prosecution proves beyond all reasonable doubt that on the aforesaid date, time and place the accused picked up quarrel with CW1 and assaulted him with stick on his left forehead , back of head, left shoulder, waist, left hand and right leg and also assaulted CW2 on his right leg and left hand with the use of same stick and used the said stick as dangerous weapon and thereby the accused has committed the offence punishable under Sec.324 of IPC?**
- 3) **Whether the prosecution proves beyond all reasonable doubt that on the aforesaid date, time and place the accused also assaulted CW2 on his eyes through fist and voluntarily caused hurt to him and thereby the accused has committed offence punishable under Section 323 of IPC?**

4) What order?

10. My answer to the above points is as follows:-

Point No.1 : In the NEGATIVE,

Point No.2 : In the NEGATIVE,

Point No.3 : In the NEGATIVE,

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

: R E A S O N S :

11. Point No.1 to 3: Since these points involve common discussion, they are taken together for common consideration in order to avoid repetition of facts.

12. It is the case of the prosecution in short that on 12.07.2022 at about 2.30 pm., within limits of Andersonpet police station, there was an quarrel between accused and CW1 and 2 with respect of work of Government school and in this regard the accused abused CW1 with filthy-language and assaulted him on his body with stick and also assaulted CW2 with stick and thereby committed the alleged offences punishable under Sec.323, 324 and 504 of IPC.

13. In order to substantiate its case, the prosecution has relied upon the evidences of PW1 to PW10 and documents were got marked as Ex.P1 to P7 and MO1/stick was identified. In that PW1/CW1/Babu, who is the complainant, victim and mahazer witness has deposed regarding alleged incident and identified the documents and his signatures and also identified

the accused. Further PW2/CW2/Babu reddy who is also victim has deposed regarding the alleged incident and also deposed that he has given statement to the police and identified MO1 and accused. Further PW3/CW3/Subramani who is the mahazer witness has identified his signature in Ex.P2, has partly turned hostile to the case of prosecution. Further PW4/CW4/Muniswamy reddy who is also another mahazer witness has identified his signature in Ex.P2 as Ex.P2(c) and fully turned hostile to the case of prosecution. Further PW5/CW5/Marappa who is the eye-witness has fully turned hostile to the case of prosecution. Further PW6/CW7/Dr.Shivakumar who has deposed regarding the treatment given by him to CW1 and 2 and also identified Wound Certificate as per Ex.P4 and 5 as Ex.P4(a) and 5(a) respectively. Further PW7/CW6/Khushi reddy who is the eye-witness has fully turned hostile to the case of prosecution. Further PW8/CW10/Vasantha and PW9/CW8/Shivananda who are the official witnesses have deposed regarding the part of investigation done by them. Further PW10/CW11/Sunil Kumar who is the investigating officer of the present case deposed regarding the further investigation done by him and also deposed regarding filing of charge-sheet against the accused and identified his signatures and the accused.

14. Out of documents Ex.P1 is the first information given by CW1 and signatures marked as Ex.P1(a) to (c) and Ex.P2 is the spot mahazer and signatures marked as Ex.P2(a) to (d). Further Ex.P3 and 6 are the statement of witnesses and Ex.P4 and 5 are the Wound Certificates and signatures marked as Ex.P4(a and b) and 5 (a and b). Further Ex.P7 is the FIR and signature marked as Ex.P7(a) and MO1-Stick.

15. We have seen the glimpses of prosecution witnesses. Now this Court has to scrutinize the evidences, whether during their cross examination any contrary evidence is elicited by the defense counsel and any contradictions, inconsistencies, appeared in their evidence so as to discard or accept their evidences. The burden heavily lies on the prosecution to prove the case against the accused persons. It is necessary to scrutinize the oral evidences coupled with medical evidence to come to a conclusion as to whether the prosecution has proved the guilt of the accused persons beyond all reasonable doubt or otherwise.

16. In order to establish the case prosecution has mainly examined Victim/injured/Complainant/CW1/PW1/Babu who in his evidence has deposed that he knew accused and knew CW2 to 6. Further deposed that on 12.07.2022 at about 2.00 to 2.30 pm, when he was standing near Government school compound, at that time the accused came in a two wheeler rashly

and threatened him not to do any work in his village and abused him in filthy-language and took stick and beaten him on his left leg. Further deposed that the accused with the help of earphone wire has try to strangulate him and also assaulted his left hand with stick and also assaulted with hands. Further deposed that the accused also assaulted CW2 and the said quarrel was pacified by CW5 and 6 and later accused went to his house and brought matchet and the villagers took them to hospital and the police came to the hospital and took his statement as per Ex.P1 and identified his signature as Ex.P1(a). Further PW1 deposed that on 29.07.2022 the police came to the spot and he has shown the stick and they have seized it at about 11.00 am and at that time CW3 and 4 were present and identified his signature in Ex.P2 as P2(a) and deposed that he can identify the accused. But in this case identification of accused is not in dispute and PW1 identified MO1. The said evidence of PW1 shows much improvements in the case of prosecution wherein there is no question of bringing of matchet by the accused and there is no averments that accused has used earphone to strangulate PW-1. Further as per the case of prosecution accused has assaulted CW1 on his left forehead, back side of head, left shoulder, waist, left hand and right leg and also on his nose. But PW1 deposed only on left hand and left leg. Further the evidence of PW1 shows the presence of CW5 and 6 and

also CW2 who also got injured. Hence their evidences plays important role to prove the guilt of the accused.

17. In this regard the prosecution has examined CW2/PW2/Babu Reddy who has deposed that he knew the accused and he knew CW1, 3 to 6. Further deposed that on 12.07.2022 at about 2.30 pm when he, CW1, 5 and 6 were standing near Government school, at that time the accused came in a two wheeler very rashly and questioned them with respect of work and he abused CW1 and assaulted CW1 on head, right hand and when he tried to pacify the quarrel the accused has assaulted him on his left leg. Further deposed that the he and CW1 went to Government hospital and CW1 given first information to police and he has given statement and identified the accused and MO1. The said evidence of PW2 somehow corroborates to the evidence of PW1 with respect of presence of accused in the spot. The said evidences of PW1 and 2 shows the presence of eye-witnesses also, hence their evidences much more relevant to prove the case against the accused.

18. In this regard the prosecution has examined two eye-witnesses CW5/PW5/Marappa and CW6/PW7-Khusireddy who in their evidences deposed that they knew the accused and they knew CW1 to 3 and 6, but stated that they have not seen any quarrel, they don't know about the present case and they have not given

any statements to the police. The said evidences of PW5 and PW7 shows that they have fully turned hostile to the case of prosecution. Hence learned APP cross examined them wherein they clearly denied the alleged incident and denied that there was quarrel on 12.07.2022 between CW1 and 2 and accused and denied that they have given statements to the police and it was marked as Ex.P3 and P6 respectively. The said evidences of PW5 and PW7 not helpful to the case of prosecution.

19. It is to be noted that in this case the main defense of the accused is that already accused has given complaint against CW1 and 2 and in contrary to it to escape from the liability, they have given false complaint against him and CW1 and 2 who have assaulted the accused and who provoked the accused and they are the culprits and false complaint was given against accused to harass him. In this regard the counsel for accused fully cross examined PW1 wherein he stated that he don't know the vehicle number of the accused and stated that accused has used MO1 to assault them and stated that another part of stick has left by the police in the spot itself. Further stated that he has not stated the police to take the another portion of MO1 from the spot and also stated that accused has assaulted him with stone as well as earphone. The

relevant excerpts from the cross-examination of PW1 reads as follows;

"ಆರೋಪಿಯು ನನಗೆ ಮು.ಮಾ.1ರಿಂದ ಹೊಡಿಬಡಿ ಮಾಡಿಲ್ಲ ಎಂದರೆ ಸಾಕ್ಷಿಯು ಮು.ಮಾ.1ರ ಉಳಿದ ಭಾಗವನ್ನು ಪೊಲೀಸರು ಅಲ್ಲಿ ಬಿಟ್ಟಿರುತ್ತಾರೆಂದು ನುಡಿಯುತ್ತಾರೆ. ಮು.ಮಾ.1 ರ ಉಳಿದ ಭಾಗವನ್ನು ತೆಗೆದುಕೊಳ್ಳುವಂತೆ ನಾನು ಪೊಲೀಸರಿಗೆ ಹೇಳಿರುವುದಿಲ್ಲ. ಆರೋಪಿತರು ಕಲ್ಲಿನಿಂದ ಹಾಗೂ ಹಿಯರ್ ಪೋನ್ ವೈಯರ್ ನಿಂದ ಹಲ್ಲೆ ಮಾಡಿರುತ್ತಾರೆ".

The said evidence of PW1 shows much more improvements regarding use of stone as well as earphone by the accused, but in this case only stick MO1 was marked and said earphone as well as stone are not seized by the police and it is not the case of prosecution that the accused used it during the time of assault. There are full of contradictory statements in the evidence of PW-1. On this background I have perused the contents of Ex.P1 First information wherein the use of matchet, stone/ear phone not at all stated by the complainant.

20. Further PW1 stated that his wife is gramapanchayath member and PDO has visited the spot and PDO was not present when accused visited the place and stated that accused assaulted him after stopping his vehicle and admits that MO1 stick will be available in the village. Further PW1 denied that on enmity he has given false complaint and denied that accused is not involved in the alleged offences and

denied that accused is not connected to MO1. Overall the evidence of PW1 shows that PDO also visited the spot and his wife is gramapanchayath member and police not seized remaining portion of MO1. The said aspects are relevant which has to be scrutinized with other evidences.

21. Further during the cross-examination of PW2, he stated that accused has stopped his two-wheeler vehicle near school gate and came to school and stated that PDO came to the spot before the incident and he has not stated the same to the police. Further PW2 stated that before the quarrel PDO directed CW1 to do the work and in this regard the accused has quarreled and further stated that accused not abused them, not assaulted him which is really strange. Further PW-2 another side denied that accused has not assaulted him and denied that not abused him. The relevant excerpts from the cross-examination of PW2 reads as follows;

ಪಂಚಾಯ್ತಿ ಪಿಡಿಒ ರವರು ಗಲಾಟೆಯ ಮೊದಲು ಸ್ಥಳಕ್ಕೆ ಬಂದು ಹೋಗಿರುತ್ತಾರೆ.

ಆರೋಪಿಯು ನನಗೆ ಬೈದಿರುವುದಿಲ್ಲ ಹಾಗೂ ಹೊಡೆದಿರುವುದಿಲ್ಲ.

ಗಲಾಟೆಗಿಂತ ಪೂರ್ವದಲ್ಲಿ ಪಿಡಿಒ ರವರು ಬಂದು ಕಾಮಗಾರಿ ಮಾಡುವಂತೆ ಚಾಸ:1 ರವರಿಗೆ ಹೇಳಿರುತ್ತಾರೆ. ನಂತರ ಆರೋಪಿ ಬಂದು ಗಲಾಟೆ ಮಾಡಿರುತ್ತಾರೆ.

The said evidence of PW2 shows ambiguities of his own statement as well as evidence in his chief examination.

22. Overall the evidence of PW1 and 2 shows that PDO has come to the spot and directed CW1 to complete the work. Meantime there was some scuffle between the accused and CW1 and 2 with respect of said work. But eye-witness PW5 not supported the said aspects. It is trite law that injured witnesses evidences can't brush aside easily unless there is strong contradictions. As discussed above the evidence of PW1 improved step by step and it has to be corroborated with other evidences to prove the case of the prosecution as it is shaky.

23. Further to establish the case the prosecution has examined investigation officer CW11/PW10/Sunil Kumar who in his evidence deposed that from 2022 to 2023 he has worked at Andersonpet police station and on 12.07.2022 he has taken the file from CW10 who has did part investigation and that on 29.07.2022, he has visited the spot and as per spot shown by CW1 in the presence of CW3 and 4 he has conducted seizure panchana from 10.30 to 11.30 am as per Ex.P2 and he has seized the club as per MO1 and mentioned in the PF. Further deposed that he has recorded the statement of CW2, 5 and 6 and deposed that on 10.08.2022 he has collected Wound Certificate of CW1 and 2 and also deposed that on 26.11.2022 he has

given notice to the accused to appear and he has released him on bail after his appearance and deposed that after completing of investigation he has filed charge-sheet against the accused. The said evidence of PW10 is formal in nature.

24. Further in this case, the prosecution also examined CW10/PW8/Vasanth who is also official witness has deposed that from 2021 to January 2023 she has worked at Andersonpet police station as Head constable. Further deposed that on 12.07.2022 when she was on station duty they have received the information regarding admission of CW1 due to assault at Government hospital KGF. Hence she has sent CW8 to record the statement of CW1 and accordingly at about 8.45 pm, CW8 recorded the statement of CW1 and submitted before her and in this regard she has registered present case in Cr.74/2022 FIR as per Ex.P7 and identified signature as Ex.P7(a) and also deposed that she has sent the same to Court as well as to higher authority and deposed that for further investigation she has handed over the file to CW11 who is none other than IO of the present case. The said evidence of PW8 is also formal in nature.

25. Further to show the connection in the evidence of PW-8, the prosecution examined CW8/PW9/Shivanand who is in evidence deposed that from July 2021-July 2023 he has worked as Head-constable at Andersonpet

police station. Further deposed that on 12.07.2022 when he was on day duty CW10 called him and directed him to record the statement of CW1 from KGF Government hospital and accordingly he went to the hospital at about 7.15 and he has met CW1 in Gents ward and took his statement in the presence of CW7 and produced before the station officer and identified his signature in Ex.P1 as Ex.P1(c). The said evidence of PW9 shows that as per the direction of PW8, he went to the hospital to take the statement of PW1 and in this regard FIR as per Ex.P7 was registered.

26. As stated supra the main defence of the accused is that PW-1 and 2 were assaulted him and when he given the complaint against them, to escape the liability they falsely given the complaint against the accused. During the cross-examination PW8 denied that PW9 not brought any statement in front of her and she has registered false first information etc., Further PW9 admits that there is no mention of time in the statement of PW-1 as per Ex.P1 and denied that he has not went to the hospital and not took the statement of PW1. The said evidence of PW8 and 9 corroborates to the evidence of PW1 with respect of investigation.

27. Further the counsel for accused fully cross examined PW10 wherein he stated that the incident spot is public place and admits that there is water storing tank and the spot and he don't know the

villagers given complaint against CW1 with respect of the same and admits the water tank as per the photographs, but the said photographs not marked because of want of Sec.65-B Certificate and admits that Ex.D1 which is the FIR registered in Cr.No.73/2022 and he stated that he don't know what happened the final report of Ex.D1. Further PW10 admits that he has did the investigation of crime No.73/2022 and denied that he has filed false charge-sheet against the accused. Further PW10 denied that he has not went to the spot and admits that he has not made the panchayath officers as witnesses and denied that in order to harass the accused he has filed false charge-sheet against the accused. It is true that the photographs were not marked, but the evidence of PW1 and 2 shows the presence of PDO and the evidence of IO shows the existence of water tank. To know the real truth I have glanced the said photographs which shows the presence of some people and also water-tank in the spot.

28. On this background I have perused the said Ex.D1 which is nothing but FIR registered Cr.No.73/2022 for the offences punishable under Sec.323, 324 r/w 34 of IPC against present CW1 and 2 and Ex.D1 FIR was first registered and later the present Ex.P7 FIR was registered against the accused. Further in Ex.D-1 the

complainant is the present accused himself which corroborates the defence of the accused.

29. Further the counsel for accused during the time of argument submits that criminal case of said crime No.73/2022 is still pending for completion of prosecution evidence and this is the contrary to the same the present case was registered to help the complainant. As stated supra there are contradictions with the evidence of injured/PW-1 and investigating officer admits the registration of Ex.D1. Hence the burden heavily lies on the prosecution to prove the alleged incident beyond reasonable doubt.

30. Further in support of mahazer, the prosecution has examined CW4/PW4/Muniswamy reddy even-though identified his signature as Ex.P2(c) has fully turned hostile to the case of prosecution and he has not deposed regarding contents of Ex.P2. Further CW3/PW3/Subramani was examined who identified his signature as Ex.P2(b), but denied that in his presence police have seized any stick. In this regard learned APP cross examined him and he has not supported to the case of prosecution with respect of seizure of MO1. Further the counsel for accused fully cross examined PW3 wherein he stated that he has not seen the quarrel and denied that he has signed the mahazer in the police station. The evidence of PW3 partly supported, but the evidence of PW1 shows that the

police have left half portion of MO1 in the spot itself which is not explained by the prosecution.

31. Further the prosecution examined CW7/PW6/Dr. Shivakumar who has deposed regarding injuries and treatment given by him to CW1 as well as CW2 and identified the wound certificate as per Ez.P4 and 5 and his signatures as Ex.P4(a) and 5(a). In this case the injuries suffered by PW1 and 2 not corroborates with their evidences and it is subsequent FIR registered after Ex.D1. Further medical officer PW6 during his cross-examination admits that the injuries mentioned in Ex.P4 and 5 may be caused a person when he fell-down on the rough-surface. Hence the evidence of Medical officer alone not enough to prove the case of prosecution against the accused as already another case was registered against CW1 and 2 as per Ex.D1. Further the evidence of PW1 shows improvements with respect of his evidence and his evidence not corroborates to the contents of Ex.P1/First information.

32. It is to be noted that on careful perusal of the evidence of PW-1 and 2 there are full of contradictory evidences while comparing the same to Ex.P1 and 2. Further PW1 stated that half portion of MO1 not seized by the police which not at all stated by PW10 during the time of his evidence. Further eye-witnesses PW5 and PW7 fully turned hostile to the case of

prosecution. Further the mahazer witnesses PW3 and 4 in their evidences PW4 fully turned hostile and PW3 partly supported with respect of assault and denied that in his presence MO1 was seized.

33. Further the evidence of PW1 shows improvement and present case was registered after the registration of Ex.D1 in Cr.No.73/2022. Further the documents produced by the accused as per his defence shows the misunderstanding with respect of development work of the village and the evidences of PW1 and 2 shows the presence of PDO who is the important witness, but the IO not made any panchayath officials as witnesses in the present case. Further the evidence of PW6 shows that the injuries mentioned in wound certificates can be cost to person who has fell-down on rough surface. Hence without any shadow of doubt it can be said that the informant has not disclosed truth before Court.

34. Further PW3 and 4 denied the contents of Ex.P-2 as well as seizure of MO1. Further only on the basis of evidences of police officials PW8 to 10 the case of prosecution can't be made out and it should be supported with independent witnesses evidences. But the evidence of PW1 appears to be shaky and it is not alone reliable as there are more improvements on it. Further the injuries stated by PW2 by comparing the evidence of PW6 and with respect of contents of Ex.D1 are not tallying with each other. Further the contents

of Ex.P2 mahazar not established by the prosecution with supportive evidences. Hence on considering all these aspects the prosecution has failed to prove the conducting of the mahazar as Ex.P-2 in the place of incident as independent witnesses not supported the case of prosecution and also failed to prove the seizure of MO-1. Moreover as per the evidence of PW1 another half portion of it is still on the spot and police were not seized the same. The evidences of the prosecution witnesses are contradictory each other and no independent witnesses have supported the case of prosecution. There are material discrepancies and contradictions. Hence it is not safe to believe the case of prosecution evidences which are full of contradictory statements. It is to be noted that PW-1 and PW2 being injured, and at the same time their testimony must be consistent and credible so as to attribute the alleged overt acts of the accused. But in this case the testimony of said witness is contrary to the contents of Ex.P-1 and PW2 one side of his cross-examination stated that accused has not abused him and not assaulted him. Further the oral evidence of official witness PW8 to 10 are not supported by the independent witnesses. Therefore it is not safe to act on the official testimony of said witnesses. Thus the prosecution has failed to prove the conducting of the mahazar as Ex.P2 in the place of incident and after the registration of Ex.D1 the present first information as

per Ex.P1 was given by PW1 which supports the defence of accused.

35. Further in a reported decision **AIR 2016 SUPREME COURT 3218-State of Gujarath V/s Jayrajbhai Punjabhai Varu**, the Hon'ble Apex court it is held that-
'The burden of proof in criminal law is beyond all reasonable doubt. The prosecution has to prove the guilt of the accused beyond all reasonable all reasonable doubt and it is also the rule of justice in criminal law that if two views are possible on the evidence adduced in the case one pointing to the guilt of the accused and the other towards his innocence, the view which is favorable to the accused should be adopted.' The ratio held in the said decision is aptly applicable to the present case in hand.

36. On considering all these facts and circumstance of the case virtually there is no convincing evidences attributing the alleged offences punishable under Section 323, 324 and 504 of IPC. Although the learned APP cross examined the independent witnesses, nothing has been culled out to show that the witnesses were won over by the accused and as such they deposed false. The other evidence that has been placed on record will not help the case of the prosecution. The prosecution failed to prove that the accused was aggressor and he is responsible for the alleged incident. Further another injured PW2 himself one side

denied the case of prosecution and almost all the independent witnesses have turned hostile to the case of prosecution. It is settled principle of law that, in criminal cases the prosecution has to prove the guilt of the accused beyond all reasonable doubt. Thus on careful perusal of the material placed on record, I am of the considered view that the prosecution failed to prove beyond reasonable doubt. Conviction can't be based on conjunctures and surmises. Without proving the said aspects of the matter the accused can't be convicted for the offences alleged against him. Moreover Ex.D1 was registered prior to Ex.P7. As per the ratio in the above said decision it is the settled principle of law that if two views are possible, one which favors the accused has to be accepted. Thus, I inclined to extend benefit of such doubts to accused. **Accordingly, I answer the Point No.1 to 3 in the NEGATIVE.**

37. Point No.4 :- In view of the reasons stated while answering Point No.1 to 3, I hold that accused is not found guilty of the offences punishable under Sec.504, 323, 324 of IPC. In the result, I proceed to pass the following:

ORDER

***The accused is hereby acquitted
for the offences punishable under
Sec.323, 324 and 504 of IPC.***

***The Bail Bond and surety bond
of accused stands cancelled.***

***MO1/Stick is worthless,
hence it is ordered to destroy the
same after the expiry of appeal
period.***

(Dictated to the stenographer directly on computer and typed by her, corrected, signed by me & then pronounced in the open Court on this the **25th day of June, 2026**)

Sd/-

(SHEMIDA. K)

Prl. Civil Judge and JMFC.,
K.G.F.

A N N E X U R E S

I. List of Witnesses Examined behalf of the Prosecution:-

PW.1	:	Sri. Babu
PW.2	:	Sri. Babu reddy
PW.3	:	Sri. Subramani
PW.4	:	Sri. Muniswamy reddy
PW.5	:	Sri. Marappa
PW.6	:	Dr.Shivakumar
PW.7	:	Sri. Khushi reddy
PW.8	:	Sri. Vasantha
PW.9	:	Sri. Shivananda
PW.10	:	Sri. Sunil Kumar

II. List of Documents marked behalf of the Prosecution:-

Ex.P1	:	First information
Ex.P1(a) to (c):	:	Signatures
Ex.P2	:	Spot mahazer
Ex.P2(a) to (d):	:	Signatures

Ex.P3 and 6 : Statement of witnesses

Ex.P4 and 5 : Wound Certificates

Ex.P4(a and b): Signatures

Ex.P5(a and b): Signatures

Ex.P7 : FIR

Ex.P7(a) : Signatures

III. List of material object marked behalf of prosecution:-

MO1 : Stick

IV. List of Witnesses Examined by the Accused :-

- NIL -

V. List of Documents of Accused :-

Ex.D1 : FIR

Sd/-

(SHEMIDA. K)

Prl. Civil Judge and JMFC.,
K.G.F.