



**IN THE COURT OF II ADDL. DISTRICT & SESSIONS
JUDGE, AT MANDYA.**

Dated this the 02nd day of April 2026.

PRESENT

Smt. Sayeedunnisa, M.A., LL.B.,
II Addl. District & Sessions Judge,
Mandya.

S.C. No.158/2022

COMPLAINANT : State by K.M. Doddi Police Station.

(By Learned Public Prosecutor, Mandya)

- Vs -

- ACCUSED PERSONS :**
1. Sri Chikkanna,
S/o Late Javaregowda,
Aged about 55 years.
 2. Sri Basavaraju P.P.,
S/o Puttanna,
Aged about 36 years.
 3. Sri Nataraju P.P.,
S/o Puttanna,
Aged about 33 years.
 4. Sri Darshan,
S/o Basavaraju.

*All are R/o Puttegowdanadoddi
Village, Maddur Taluk,
Mandya District.*

(By Sri S.M. Ramesh, Advocate)

1. *Date of commission of offence : 23.03.2021.*
2. *Date of Report of offence : 24.03.2021.*
3. *Name of the Informant : Sri Shivaraja.*
4. *Offences complained of : Under Sections 143, 147,
148, 504, 307, 323, 324,
326 r/w Section 149 of IPC.*
5. *Charges framed : Under Sections 143, 148,
504, 307, 324, 323, 326
r/w Section 149 of IPC.*
6. *Date of commencement of
recording of evidence : 05.01.2026.*
7. *Date of closing of evidence : 07.02.2026.*
8. *Opinion of the Judge : Accused persons found
not guilty.*

* * * * *

J U D G M E N T

*The Sub-Inspector of Police, K.M. Doddi Police
Station, Mandya District, had filed this Charge-sheet
against accused persons alleging that, they have
committed the offences punishable under Sections 143,
147, 148, 504, 307, 323, 324, 326 r/w Section 149 of IPC.*

2. ***In brief, it is the case of the prosecution that :***

That on 23.03.2021 at about 10.00pm at Puttegowdanadoddi Village when CW-1 Shivaraja and CW-2 Puttamadegowda were near their house, accused persons with a common object (Along with juvenile in conflict with law) with a previous enmity in connection with the previous case, came near their house by forming an unlawful assembly by holding deadly weapons in their hands like reaper patti and axe committed rioting, abused them in filthy language as ‘ಸೂಳೆಮಕ್ಕಳ, ಬೋಳೆಮಕ್ಕಳ ನೀವು ಹೆಚ್ಚಿಕೊಂಡಿರಿ’, when CW-2 questioned, accused no.2 and 3 with an intention to kill CW-2 assaulted with reaper patti on his head caused bleeding injuries to him, accused no.2 assaulted CW-2 with axe on his head, accused no.1 assaulted CW-1 with reaper patti on his left hand and caused simple and grievous injuries to him and all the accused persons kicked CW-2, accused no.3 assaulted CW-3 Shobha with reaper patti on her back and caused grievous injuries to her. In that regard CW-1 lodged the complaint against the accused persons.

3. *On the basis of information given by defacto-complainant/CW-1, complainant police has registered FIR against the accused persons for the offences punishable under Sections 143, 147, 148, 504, 307, 324 r/w Section*

149 of IPC and has taken up investigation. After completion of investigation, final report has been submitted against accused persons for the offences punishable under Sections 143, 147, 148, 504, 307, 323, 324, 326 r/w Section 149 of IPC before the jurisdictional Magistrate. After complying the provisions of Section 207 of Cr.P.C., as the offences alleged against the accused is triable by the Court of Sessions, matter has been committed to this Court for trial.

4. On receipt of records Prl. District and Sessions Judge, Mandya, has numbered the case as S.C. No.158/2022 and made over to this Court for disposal.

5. After hearing the accused on framing of charges, since there was sufficient material to frame charges, this Court has framed the charges and the same has been read over and explained to the accused, they had denied the charges and claimed to be tried.

6. Prosecution in order to substantiate the allegations made against the accused examined PW-1 to PW-6, out of 16 witnesses and got marked documents as Ex.P1 to P8 and material objects marked as MO-1 to 5.

7. As there is no incriminating material against the accused persons in the evidence adduced by the

prosecution, examination of accused under Section 313 of Cr.P.C. was dispensed with.

8. *Heard arguments addressed by learned Public Prosecutor and learned counsel for accused.*

9. *Perused the entire materials placed on record, the points that would arise for consideration are:*

1. *Whether the prosecution proves beyond all reasonable doubt that on 23.03.2021 at about 10.00pm at Puttegowdanadoddi Village when CW-1 and CW-2 were near their house, accused persons with a common object (Along with juvenile in conflict with law) with a previous enmity in connection with the previous case, came near their house by forming an unlawful assembly by holding deadly weapons in their hands like reaper patti and axe committed rioting, thereby accused committed an offence punishable under Section 143 and 148 r/w Section 149 of IPC ?*
2. *Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, accused with a common object abused CW-1 and 2 in filthy*

language, thereby accused committed an offence punishable under Section 504 r/w Section 149 of IPC ?

- 3. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, with a common object accused no.2 and 3 with an intention to kill CW-2 assaulted with reaper patti on his head caused bleeding injuries, thereby accused committed an offence punishable under Section 307 r/w Section 149 of IPC ?*
- 4. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, with a common object accused no.2 assaulted CW-2 with axe on his head, accused no.1 assaulted CW-1 with reaper patti on his left hand and caused simple and grievous injuries and all the accused persons kicked CW-2, thereby accused committed an offence punishable under Section 323 and 324 r/w Section 149 of IPC ?*
- 5. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, with a common object accused no.3*

assaulted CW-3 with reaper patti on her back and caused grievous injuries to her, thereby accused committed an offence punishable under Section 326 r/w Section 149 of IPC ?

6. What order or sentence?

10. *My findings on the above points are as under:*

*Point No.1 to 5 : In the **Negative**.*

*Point No.6 : As per final order
for the following:*

REASONS

11. **POINT No.1 to 5** : *These points are inter connected overlapping with each other and hence they are taken up for discussion together.*

12. *In brief it is the case of the prosecution that, there existed ill-will and previous enmity between the accused and the complainant in connection with a ceremony held during the Sankranthi Festival. Owing to the said incident, the accused had developed hostility against the complainant.*

13. *On 23.03.2021 at about 10.00p.m. when PW-1 Shivaraju and PW-2 Puttamadegowda were near their*

house, the accused persons by forming an unlawful assembly by holding deadly weapons in their hands came and abusing PW-2 in filthy language as ‘ಸೂಳೆಮಕ್ಕಳು, ಬೋಳೆಮಕ್ಕಳು ನೀವು ಹೆಚ್ಚಿಕೊಂಡಿದ್ದರಿ’. When PW-2 questioned the accused as to why they were abusing him in view of the previous enmity, at that time accused no.3 with an intention to kill him started assaulting PW-2 with reaper patti on his head causing bleeding injuries. Accused no.2 assaulted PW-2 with axe on his head, accused no.1 assaulted PW-2 with reaper patti on his left hand finger and caused simple and grievous injuries, kicked with legs. During the said incident PW-3 intervened in an attempt to pacify the quarrel, however accused no.3 assaulted her with reaper patti on her back and caused grievous injuries.

14. As PW-2 had sustained injuries, PW-1 took his father to the K.M. Doddi Hospital for treatment. While he was undergoing treatment at the hospital, PW-1 lodged the complaint against the accused. Based on the complaint given by PW-1, case was registered against the accused persons for the offences punishable under Sections 143, 147, 148, 504, 307, 323, 324, 326 r/w Section 149 of IPC.

15. In an attempt to prove its case, the prosecution has examined 6 witnesses as PW-1 to 6 and has got marked 8 documents as Ex.P1 to 8 and MO-1 to 5.

16. On perusal of the evidence led by the prosecution, it is seen that, all the witnesses are material witnesses to the case of the prosecution, wherein PW-1 is the complainant and PW-2 and 3 are the victims. PW-4 and PW-5 are the eye witnesses and PW-6 is the eye witness and mahazar witness, who claim to have pacified the quarrel. However, all these witnesses have not supported the case of the prosecution.

17. PW-1 Shivaraju, who is the complainant has deposed that, about 4 years back his father and mother fell down in the house and sustained injuries. Thereafter, he took them to the hospital for treatment. He has further deposed that, the accused never assaulted his parents and he has also not identified the reaper patti with which the alleged assault was said to have been committed by the accused. Though he admits his signature on Ex.P1 complaint, he has stated that he never gave the complaint nor PW-6 had produce the clothes before the police. Hence, he has been treated as hostile and has been cross-examined.

18. Even during the course of cross-examination he has deposed that, the accused never assaulted his parents. Further he has stated that, he never gave any complaint against them. Though he admits that his parents

had sustained injuries, he claims that they sustained such injuries under different circumstances, for which they had taken the treatment. The very fact that complainant has turned hostile before the court, who is not only an eye witness but also son of victims, gives a great blow to the case of prosecution.

19. *Further, prosecution has examined the victims as PW-2 and PW-3. They have deposed about four years ago, during a festival in their village, group of people had gathered, and since a large number of people were present, some persons pushed them, due to which they fell down and sustained injuries. Thereafter, they were taken to the hospital. They have also deposed that, the accused never assaulted them. Hence, these witnesses have also been treated as hostile and has been cross-examined.*

20. *Even during the course of cross-examination nothing has been elicited or suggested which could help the prosecution to prove its case. The entire case of the prosecution rests on the evidence of PW-1 to 3, wherein all these material witnesses have turned hostile before the court. They have deposed nothing regarding the alleged incident, nor they have identified the material objects produced before the court. Furthermore, all of them have clearly deposed that, the accused never assaulted them.*

During the course of cross-examination, when suggestion has been put to them stating that, they have compromised the matter, even the said suggestion was denied by them.

21. *Apart from the Evidence of PW-1 to PW-3, prosecution has led the evidence of PW-4 Swamy and PW-5 Sunilkumar, who are an eye witnesses to the incident. They have deposed that, neither they have seen any incident nor they have given any statement before the police. Wherein they have also been treated as hostile and has been cross-examined. Even during the course of cross-examination nothing has been elicited, which could help the prosecution to say that, any such incident had taken place and has completely disowned their earlier statements i.e., Ex.P5 and P6.*

22. *Apart from the Evidence of PW-1 to PW-5, prosecution has led the evidence of PW-6. PW-6 namely Krishnakumar, who is not only an eye witness to the incident, but also a witness to the mahazar marked at Ex.P7, has completely turned hostile before the court. He has deposed nothing to state that MO-1 to MO-5 were produced by him. Hence, he has also been treated as hostile and has been cross-examined. Even during the course of cross-examination he has denied that, MO-1 to MO-5 were produced by him before the police when they*

came to the spot to draw the mahazar. Further he has also denied that, MO-1 to 5 were seized by the police at his instance when he produced the same before them. He has denied having given any statement before the police as per Ex.P8 and has completely disowned his entire statement.

23. Hence, all the material witnesses to the case of prosecution through which the prosecution can prove the case and based their case has turned hostile before the court. In view of the fact that, the material witnesses have turned hostile before the court, by relying on the observations of the Hon'ble Apex Court in **SH Satish Mehra Vs Delhi Administration and Anr reported in 1996 SCC (Cri) 1104, (1996) 3 Crimes 85** this court has dropped the other witnesses.

24. Wherein the Hon'ble apex court in the above referred cited judgment has observed that,

“When the judge is fairly certain that there is no prospect 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 a future date. We are under heavy pressure of workload. If the session judge is almost certain that the trial would only be an exercise in futility or a sheer waste of time, it is advisable to truncate or ship the proceeding at the stage of Section 227 of Code itself.”

By considering that, it would amount to nothing but a waste of judicial time to proceed further with the trial merely for the sake of completing formalities, this court has closed the evidence of prosecution.

25. *Since the star and material witnesses to the case of prosecution have turned hostile before the court, the prosecution has failed to prove the offences alleged against the accused persons. Accordingly, I hold that the prosecution has failed to establish the charges against the accused persons. Accordingly, I hold Point No.1 to 5 in the **Negative.***

26. **POINT No.6**: *In view of my findings to the above Point No.1 to 5 is negative, I proceed to pass the following :*

ORDER

Acting under Section 232 of Cr.P.C., the accused no.1 to 4 are hereby acquitted for the offences punishable under Sections 143, 148, 504, 307, 324, 323, 326 r/w Section 149 of IPC.

The bail bonds and surety bonds of accused no.1 to 4 executed as per Section 437-A of Cr.P.C. will remain

in force for a period of 6 months from the date of this judgment.

MO-1, 2, 4 and 5 are ordered to be destroyed as worthless and MO-3 is ordered to be confiscated to the state after appeal period is over.

*(Typed to my dictation by Stenographer-III directly on computer, corrected, signed and then pronounced by me in the Open authority, on this the **02nd day of April, 2026**)*

(Sayeedunnisa)
*II Addl. District & Sessions Judge,
Mandya.*

ANNEXURE

List of Witnesses examined for the Prosecution :

PW-1 : Shivaraju.
PW-2 : Puttamadegowda @ Puttamadu.
PW-3 : Shobha.
PW-4 : Swamy.
PW-5 : Sunilkumar.
PW-6 : P.B. Krishnakumar.

List of Documents exhibited for the Prosecution :

Ex.P1 : Statement/complaint of PW-1.
Ex.P1(a) : Signature of PW-1.

- Ex.P2 : Relevant portion of further statement of PW-1.*
Ex.P3 : Relevant portion of statement of PW-2.
Ex.P4 : Relevant portion of statement of PW-3.
Ex.P5 : Relevant portion of statement of PW-4.
Ex.P6 : Relevant portion of statement of PW-5.
Ex.P7 : Spot mahazar.
Ex.P7(a) : Signature of PW-6.
Ex.P8 : Relevant portion of statement of PW-6.

List of Witnesses examined on behalf of Defence :

- N I L -

List of Documents exhibited for the Defence :

- N I L -

List of Material Objects exhibited by Prosecution :

- MO-1 and 2 : Reaper patti.*
MO-3 : Axe.
MO-4 : Shirt.
MO-5 : Blouse.

(Sayeedunnisa)
II ADJ, Mandya.

