



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

Dated this the 17th day of April 2026.

PRESENT

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

S.C. No.68/2024

COMPLAINANT : *State by Mandya East Police Station.*

(By Learned Public Prosecutor, Mandya)

- Vs -

ACCUSED : 1. Sri Kumara,
S/o Ramu,
Aged about 20 years.

2. Sri Ashoka,
S/o Ramu,
Aged about 24 years.

*Both are R/o 2nd Cross,
Halahalli Kere,
Mandya City.*

(By Sri K.M. Ravikumar, Advocate)

* * *

1. *Date of commission of offence* : 23.06.2023.
2. *Date of Report of offence* : 24.06.2023.
3. *Name of the Informant* : Sri Somashekar.
4. *Offences complained of* : Under Sections 504, 341, 324, 307, 326, 506 r/w Section 34 of IPC.
5. *Charges framed* : Under Sections 341, 504, 307, 326, 324, 506 r/w Section 34 of IPC.
6. *Date of commencement of recording of evidence* : 02.04.2026.
7. *Date of closing of evidence* : 02.04.2026.
8. *Opinion of the Judge* : Accused no.1 and 2 found not guilty.

* * * * *

J U D G M E N T

The Sub-Inspector of Police, East Police Station, Mandya had filed this Charge-sheet against accused persons alleging that, they have committed the offences punishable under Sections 504, 341, 324, 307, 326, 506 r/w Section 34 of IPC.

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

Accused no.2 had borrowed a loan of ₹.10,000/- from CW-1/Somashekara to purchase a bike by agreeing to repay the same within one month, but as agreed upon he did not repay. Hence, on 23.06.2023 at

about 9.30pm CW-1 along with CW-2/Mahadeva went near the house of accused no.2 situated at 2nd Cross, Halahalli. Accused no.2 was present along with accused no.1 by seeing CW-1 and 2 started abusing them in filthy language as ‘ ಸಾಲ ಕೇಳಲು ಮನೆ ಬಳಿ ಬಂದಿದ್ದೀರಾ ಸೂಳೆಮಕ್ಕಳಾ ’ and wrongfully restrained them from moving further, picked up quarrel with CW-2 regarding loan amount, accused no.1 with an intention to kill CW-2 assaulted with dragon on his head and hand caused simple and bleeding injuries to him and threatened CW-1 and 2 with dire consequences. In that regard complaint was given by CW-1 against the accused persons.

3. On the basis of information given by defacto complainant, complainant police registered FIR against the accused persons and has taken up investigation, after completion of investigation, final report was submitted before the jurisdictional Magistrate against accused persons. On receipt of the final report, learned Magistrate has taken cognizance of the alleged offence and has registered a case in C.C. No.2160/2023. After complying the provisions of Section 207 of Cr.P.C., as the offences alleged against the accused are 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.68/2023 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 for the offences punishable under Sections 341, 504, 307, 326, 324, 506 r/w Section 34 of IPC and the same has been read over and explained to the accused persons, they have 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-3, out of 17 witnesses cited in the charge-sheet and got marked documents as Exs.P1 to P9 and material objects marked MO-1 and 2.*

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 persons.*

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 accused no.2 had borrowed a loan of ₹.10,000/- from CW-1/Somashekara to purchase a bike by agreeing to repay the same within one month, but as agreed upon he did not repay. Hence, on 23.06.2023 at about 9.30pm CW-1 along with CW-2/ Mahadeva went near the house of accused no.2 situated at 2nd Cross, Halahalli. Accused no.2 was present along with accused no.1 by seeing CW-1 and 2 started abusing them in filthy language as ‘ ಸಾಲ ಕೇಳಲು ಮನೆ ಬಳಿ ಬಂದಿದ್ದೀರಾ ಸೂಳೆಮಕ್ಕಳಾ ’ and wrongfully restrained them from moving further, thereby accused persons committed an offences punishable under Section r/w Section 504 and 341 r/w Section 34 of IPC ?*
2. *Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place accused picked up quarrel with CW-2 regarding loan amount, accused no.1 with an intention to kill CW-2 assaulted with dragon on his head and hand caused simple and*

bleeding injuries to him, thereby accused persons committed an offence punishable under Section 324, 326 and 307 r/w Section 34 of IPC ?

3. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place accused threatened CW-1 and 2 with dire consequences, thereby accused persons committed an offence punishable under Section 506 r/w Section 34 of IPC ?

4. What order or sentence?

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

*Point No.1 to 3 : In the **Negative**.*

*Point No.4 : 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, the accused no.2 had received loan of ₹.10,000/- from the complainant/PW-1 Somashekar, but in spite of repeated

request to repay the said amount, has declined to pay the said amount. Since the complainant was in need of the said amount he along with CW-2/PW-2 Mahadev went near the house of accused no.2 on 23.06.2023 at about 9.30pm in order to request the accused no.2 to for the repayment of the amount. When this PW-1 and PW-2 went near the house of accused no.2, accused no.1 was also present along with him. When the complainant asked the accused no.2 to repay the amount, all of a sudden accused no.2 started abusing him in filthy language as ‘ ಸಾಲ ಕೇಳಲು ಮನೆ ಬಳಿ ಬಂದಿದ್ದೀರಾ ಸೂಳೆಮಕ್ಕಳಾ ’. When PW-2 intervened and questioned that, why you are abusing PW-1 without repaying the amount, all of a sudden the accused no.1 with an intention to kill PW-2 took out a dragon and assaulted him. Wherein PW-2 sustained bleeding injury on his left shoulder. During that time PW-1 as well as PW-3 by name Sagar intervened and pacified the quarrel. Both the accused no.1 and 2 threatened the complainant and his friend with dire consequences to their life. In that regard PW-1 lodged the complaint. On the basis of the complaint case has been registered against the accused persons for the offences punishable under Sections 504, 341, 324, 307, 506 r/w Section 34 of IPC.

13. It is the burden of the prosecution to prove the offences alleged against the accused. In making an

attempt to do so, prosecution has led the evidence of PW-1 to PW-3. Wherein PW-1 is the complainant, PW-2 is the victim, who claimed to have sustained injury due to assault of accused no.1 and 2 and further PW-3 is one of the eye witnesses to the incident.

14. *Wherein PW-1 has given evidence before the court that about 3 years back at Halahalli there was some galata taking place, during that time PW-2 had suffered injury, thereby he had taken him to the hospital. Further he has deposed that, the accused did not quarrel either with him or with PW-2 nor they have assaulted PW-2.*

15. *Further he has deposed that, he has not seen any such incident. Though he has admitted his signature on complaint i.e., Ex.P5 he has deposed that, the police had obtained his signature, he does not know its contents. Further, he has deposed nothing to say that the police had visited the spot to draw the mahazar at the time of investigation.*

16. *Further he has not identified the clothes alleged to have been seized during the investigation. Since this witness has completely turned hostile before the court, the prosecution by treating him as hostile has cross-examined at length. Even during the course of cross-examination*

nothing incriminatory material has been elicited from his mouth to say that any such incident had taken place. Further he has denied that he has given any statement before the police or the police had visited the spot and drew the mahazar in his presence. The evidence of PW-1 is not helpful for the prosecution to prove the alleged offences.

17. *Apart from the evidence of PW-1 prosecution has led the evidence of most material witness i.e., victim himself as PW-2. He has deposed that he knows PW-1 and 3, but he does not know the accused persons. He has also given evidence that about 2 to 3 years back, under the influence of alcohol he was proceeding at Halahalli Village, there were some 15 to 20 persons had gathered and they were quarrelling among themselves. When he went to see the same, in the said galata somebody pushed him, thereby he sustained injury, he was taken to the hospital.*

18. *Further he has deposed that, accused never assaulted him and even this witness has not identified the alleged dragon with which the accused alleged to have assaulted him. Hence this witness has also been treated as hostile and has been cross-examined by the prosecution. Even during the course of cross-examination he has deposed that the accused never assaulted him.*

19. Further he has denied that with MO-1 the accused had assaulted. Even though he has been cross-examined nothing worth has been elicited to say that any such incident had taken place wherein the accused had assaulted him. There is no material on record to connect the accused to the allegation made in the complaint.

20. So, the prosecution has led the evidence of PW-3 another eye witness to the incident, he is no other than the friend of PW-1 and PW-2. He has completely turned hostile before the court. He has also been treated as hostile and has been cross-examined by the prosecution at length. Even during the course of cross-examination nothing worth has been elicited which could help the prosecution to prove the allegation made against the accused.

21. The entire case of the prosecution based on the complaint given by PW-1 and injuries alleged by PW-2 due to the assault by accused persons. Wherein all the three material witnesses have turned hostile before the court. Hence by considering that all the material witnesses have turned hostile before the court by observing the observations of the Hon'ble Apex Court made 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.

22. *Wherein the Honb'le 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 is nothing but wasting the court time by holding further trial only for the completion of the procedure for a formality, the court has closed the evidence of prosecution.

23. *In view of the fact that all the material witnesses have turned hostile before the court, the court considering that no amount of evidence led by the prosecution could prove the offences alleged against the accused and if the evidence of other witnesses are examined, it is nothing but only a formality, because the person who is alleged to have been suffered has turned hostile before the court. In view of the fact that all the material witnesses have turned hostile before the court, the prosecution has failed to prove the offences alleged against the accused. Accordingly, I answer Point No.1 to 5 in the **Negative**.*

24. **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 and 2 are hereby acquitted for the offences punishable under Sections 341, 504, 307, 326, 324, 506 r/w Section 34 of IPC.

The bail bonds and surety bonds of accused no.1 and 2 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 is ordered to be confiscated to the state and MO-2 is ordered to be destroyed as worthless after the appeal period is over.

(Dictated and prepared through Adalat Ai specialized voice transcription software, transcript revised, corrected, signed and then pronounced by me in the Open Court, on this the **17th day of April, 2026**)

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

ANNEXURE**List of Witnesses examined for the Prosecution :**

PW-1 : Somashekar.

PW-2 : Mahadeva.

PW-3 : Sagar.

List of Documents exhibited for the Prosecution :

Ex.P1 : Complaint.

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

Ex.P2 : Spot mahazar.

Ex.P2(a) : Signature of PW-1.

Ex.P2(b) : Signature of PW-3.

Ex.P3(1-2) : 2 Photos.

Ex.P4 : Seizure mahazar.

Ex.P4(a) : Signature of PW-1.

Ex.P5(1-2) : 2 Photos.

Ex.P6 : Relevant portion of further statement of PW-1.

Ex.P7 : Relevant portion of statement of PW-2.

Ex.P8 : Notice given to panchas.

Ex.P8(a) : Signature of PW-3.

Ex.P9 : Relevant portion of statement of PW-3.

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 : Dragar.

MO-2 : Sports Nicker.

(Sayeedunnisa)
II ADJ, Mandya.

