



**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.111/2023

COMPLAINANT : *State by Kirugavalu Police Station.*

(By Learned Public Prosecutor, Mandya)

- Vs -

ACCUSED : 1. *Sri Pavankumar,
S/o Basavaraju,
Aged about 27 years.*

2. *Sri Bharath,
S/o Basavaraju,
Aged about 25 years.*

3. *Sri Madhuchandan,
S/o Doddamadi,
Aged about 19 years.*

4. *Sri Hoovaiah,
S/o Puttaswamy,
Aged about 26 years.*

5. Sri Karthik,
S/o Ravi,
Aged about 20 years.

6. Sri Siddaraju,
S/o Boti,
Aged about 25 years.

7. Sri Ganga @ Naakaani @ Nakane,
S/o Krishna,
Aged about 19 years.

All are R/o Kalkuni Village,
Kirugavalu Hobli,
Malavalli Taluk,
Mandya District.

**(A1 to 3 and 6 By Smt. Rani J., Advocate,
A4, 5 and 7 By Sri Umashankar, Advocate)**

* * *

1. Date of commission of offence : 05.11.2022.
2. Date of Report of offence : 09.11.2022.
3. Name of the Informant : Sri Chikkaraju.
4. Offences complained of : Under Sections 143, 148, 324, 307, 323, 364, 325, 504, 506 r/w Section 149 of IPC.
5. Charges framed : Under Sections 143, 148, 324, 307, 323, 364, 325, 504, 506 r/w Section 149 of IPC.
6. Date of commencement of recording of evidence : 30.01.2026.
7. Date of closing of evidence : 11.02.2026.

8. *Opinion of the Judge* : *Accused no.1 to 7 found not guilty.*

* * * * *

J U D G M E N T

The Sub-Inspector of Police, Kirugavalu Police Station, Mandya District, had filed this Charge-sheet against accused persons alleging that, they have committed the offences punishable under Sections 143, 148, 324, 307, 323, 364, 325 504, 506 r/w Section 149 of IPC.

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

The father of accused no.3 i.e., Doddamadu had entered into an agreement of sale in the year 2016 to purchase the house of CW-1 Chikkaraju for ₹.3,25,000/-, under the said agreement CW-1 had received an advance sale consideration of ₹.3,00,000/- and again in the year 2019 renewed the said sale agreement. But, CW-1 did not come forward to execute the sale deed, thereby father of accused no.3 had filed a civil suit at Prl. Civil Judge and JMFC., Malavalli and the said case was pending. During the pendency of suit Doddamadhu had suffered bone cancer, in that regard the accused no.3 had grudge with CW-1 on suspicion that, the CW-1 and 2 had done some black magic to his father.

That on 05.11.2022 at about 7.00pm when the complainant/Chikkaraju was at Kirugavalu Santhemala, CW-2 Nagesh called and asked him to come near Maleyappa's house. At about 7.30pm when the complainant reached the said place he saw accused persons, they formed an unlawful assembly by holding deadly weapons like beer bottle and iron rod in their hands, accused no.3 picked up quarrel with him, abused him in filthy language as 'ಎಲ್ಲಿ ಮಾಟ ಮಾಡಿಸಿದ್ದೀರಿ ಹೇಳಿ ಬೋಳಿಮಕ್ಕಳಾ, ಸೂಳೆಮಕ್ಕಳಾ ' stating that, he and CW-2 had done some black magic, thereby his father has suffered bone cancer, threatened them with dire consequences and kidnapped CW-1 and 2 in an auto rickshaw belongs to accused no.1. When the auto rickshaw reached near Kalkuni - T.Narasipura road canal he tried to escape from them and jumped from the auto rickshaw. At that time the accused no.1 to 3 with an intention to kill CW-1 assaulted with beer bottle on his head and assaulted with iron rod on his right hand, kicked with legs on his chest. Other accused persons assaulted CW-2 with hands, kicked with legs and threatened them with dire consequences. In that regard complaint was given by CW-1.

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.58/2023. 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.111/2023 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 143, 148, 504, 364, 307, 324, 323, 325, 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-5, out of 25 witnesses cited in the charge-sheet and got marked documents as Exs.P1 to P9 and material objects marked MO-1 to 4.*

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 on 05.11.2022 at about 7.00pm when the complainant/Chikkaraju was at Kirugavalu Santhemala, CW-2 Nagesh called and asked him to come near Maleyappa's house. At about 7.30pm when the complainant reached the said place he saw accused persons with a common object formed an unlawful assembly by holding deadly weapons like beer bottle and iron rod in their hands, thereby accused persons 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 no.3 with a common object picked up quarrel with CW-1 abused him in filthy language stating that, he and CW-2 had done some black magic, thereby his father has suffered bone cancer, thereby accused persons 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, accused with a common object kidnapped CW-1 and 2 in an auto rickshaw belongs to accused no.1, thereby accused committed an offence punishable under Section 364 r/w Section 149 of IPC ?*
- 4. Whether the prosecution proves beyond all reasonable doubt that when the auto rickshaw reached near Kalkuni - T.Narasipura road canal CW-1 tried to escape from them and jumped from the auto rickshaw. At that time the accused no.1 to 3 with an intention to kill CW-1 assaulted with beer bottle on his head and assaulted with iron rod on his right hand, kicked with legs on his chest. Other accused persons assaulted CW-2 with hands, kicked*

with legs, thereby accused committed an offence punishable under Section 307, 324, 323 and 325 r/w Section 149 of IPC ?

5. *Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place all the accused persons threatened CW-1 and 2 with dire consequences, thereby accused committed an offence punishable under Section 506 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 prosecution that, father of accused no.3 by name Doddamadu had entered into an agreement of sale in order to purchase the house of PW-1 Chikkaraju. He had given an advance of ₹.3,00,000/-.*

Even though two years had passed, PW-1 had not executed sale deed, thereby father of accused no.3 had filed a civil case and subsequently father of accused no.3 had bone cancer. Claiming that this PW-1 in collusion with PW-2 had done some black magic, thereby his father Doddamadu has suffered bone cancer. Accused no.3 along with other accused picked up quarrel with PW-1 and 2.

13. *Further it is the case of prosecution that, on 05.11.2022 at about 7.30p.m. when the complainant Chikkaraju had come near the house of Kulkuni Maleyappa, these accused persons having previous enmity with the above said reason, formed an unlawful assembly, they caught hold PW-1 and PW-2, assaulted PW-1 and thereafter forcibly took him in an autorickshaw.*

14. *Further it is the case of prosecution that, when the accused persons were abducting in an autorickshaw, near T. Narasipura road near the channel PW-1 tried to escape by jumping from the auto, thereby all the accused persons with an intention to kill PW-1 assaulted him. Wherein the accused no.1 took a beer bottle from the autorickshaw and assaulted on the head of PW-1 with bottle causing grievous head injuries. The accused no.2 took an iron rod and forcibly assaulted on his hand causing bleeding injury. Accused no.3 kicked him with legs*

and further when PW-2 came to pacify the quarrel, accused no.4 assaulted him on his ribs. Accused no.5 to 7 assaulted with legs and hands causing bodily pain. When both PW-1 and PW-2 were screaming, PW-3 to PW-5 came near the place and pacified the quarrel. Thereafter, the accused persons threatened PW-1 and PW-2 that, they are going to kill them at one day. Later PW-3 had took PW-1 on his motorcycle to Malavalli Government Hospital. Thereafter, he was admitted to Mysuru K.R. Hospital for further treatment and further PW-5 had taken PW-2 to the T.Narasipura Government Hospital and thereafter to Mysuru K.R. Hospital. 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 143, 148, 324, 307, 323, 364, 325 504, 506 r/w Section 149 of IPC.

15. *It is the burden of the prosecution to prove the offence alleged against the accused persons. In making an attempt to do so, the prosecution has led the evidence of PW-1 to PW5 and has got more Ex.P1 to P9 and MO-1 to 4.*

16. *All the witnesses examined by the prosecution are the most material witnesses to prove the allegation, because PW-1 and PW-2 are the victims and PW-3 to PW-5 are the eye witnesses to the incident.*

17. PW-1/Chikkaraju is also a complainant, he has given evidence before the court stating that, he knows PW-3, he is his relative. But, he doesn't know the other witnesses i.e., PW-4 and PW-5 and even he does not know the accused. Further he has deposed that, about 2 years back there was a festival in their village, thereby he went there. During that time the police were present and obtained his signature. He has not seen whether PW-2 was assaulted by the accused. He has deposed that, the accused never assaulted or caused any injuries to him.

18. Further PW-1 is also one of the mahazar witness. Though he has admitted his signature on Ex.P2 mahazar and he admits that, he is seen standing in a photographs taken at the time of mahazar, he has deposed that, at the instance of police he had stood in the said photographs and he has not identified either the clothes or the material objects produced before the court. Thereby, PW-1 has been treated as hostile and has been cross-examined at length by the prosecution.

19. During the course of cross-examination prosecution has failed in eliciting any material evidence from the mouth of this witness which could help the prosecution to prove the offences alleged against the

accused. Thereby, the entire evidence of PW-1 does not help the prosecution to establish the offences alleged.

20. *The very fact that, the complainant and the victim has turned hostile before the court is a great blow to the case of the prosecution. Though the complainant has turned hostile before the court, the prosecution has led the evidence of another victim PW-2/Nagesh. He has also given evidence in the same manner as PW-1 has given. He has also not identified the accused nor he has given any evidence incriminating against the accused. He has also deposed that, he never met with any incident nor the accused have assaulted him. Even this witness has been treated as hostile and has been cross-examined at length. Even during the course of cross-examination this witness has denied that, he has given any statement before the police as per Ex.P5.*

21. *Both the material witnesses and star witnesses to the case of prosecution have turned hostile before the court. In the absence of the evidence of the victim, the court cannot assume and presume the allegation made against the accused on the basis of other evidence. Even then, the prosecution has made an attempt to lead the evidence of eye witnesses to the alleged incident.*

22. Wherein PW-3 to PW-5 are the eye witnesses and the persons who alleged to have taken the PW-1 and PW-2 to the hospital for getting treatment. Wherein even these PW-3 to PW-5 have turned hostile before the court.

23. PW-3/Mallikarjuna is one of the mahazar witness as well. According to the case of prosecution spot mahazar was drawn in his presence and the police seized MO-1 to 3 on the spot in his presence, but this witness has denied the same. He has deposed that, neither he has witnessed the incident nor he has acted as panch witness. Even this witness has been treated as hostile and has been cross-examined at length, but the evidence of this witness could not help the prosecution to prove the allegation made against the accused.

24. Further PW-4/Kumara is also one of the co-panch witness as well as an eye witness. Even this witness has also denied that, he has seen any incident or had taken PW-2 to the hospital. Further he has denied that, he has given any statement before the police as claimed by the prosecution.

25. Apart from these two eye witnesses prosecution has led the evidence of PW-5/Nagaraju. He has also given evidence on par with the evidence of PW-3 and PW-4.

Hence this witness has also been treated as hostile and has been cross-examined. Even during the course of cross examination prosecution has failed to succeeded in eliciting any incriminatory evidence against the accused.

26. *The entire evidence led by the prosecution would show that, all the material witnesses have turned hostile before the court. Considering that the material witnesses i.e., alleged victims have turned hostile before the court and there is no incriminatory evidence against the accused which has been elicited from the mouth of material witnesses and no amount of other evidence could help the prosecution to prove the offences 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.*

27. *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.

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

29. **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 7 are hereby acquitted for the offences punishable under Sections 143, 148, 504, 364, 307, 324, 323, 325, 506 r/w Section 149 of IPC.

The bail bonds and surety bonds of accused no.1 to 7 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 to 3 are ordered to be destroyed as worthless and MO-4 is ordered to be confiscated to the state 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 02nd day of April, 2026)

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

ANNEXURE

List of Witnesses examined for the Prosecution :

PW-1 : Chikkaraju.
PW-2 : Nagesha.
PW-3 : Mallikarjuna.
PW-4 : Kumara.
PW-5 : Nagaraju.

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.P2(c) : Signature of PW-4.*
- Ex.P3(1-4) : 4 Photos.*
- Ex.P4 : Relevant portion of further statement of PW-1.*
- Ex.P5 : Relevant portion of statement of PW-2.*
- Ex.P6 : Notice given to panchas.*
- Ex.P6(a) : Signature of PW-3.*
- Ex.P6(b) : Signature of PW-4.*
- Ex.P7 : Relevant portion of statement of PW-3.*
- Ex.P8 : Relevant portion of statement of PW-4.*
- Ex.P9 : Relevant portion of statement of PW-5.*

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 : Shirt.*
- MO-2 : Baniyan.*
- MO-3 : Glass pieces.*
- MO-4 : Iron rod.*

(Sayeedunnisa)
II ADJ, Mandya.

