

KAMD200004142020



Presented on : 31-08-2020
Registered on : 31-08-2020
Decided on : 08-07-2026
Duration : 5 years, 10 months, 8 days

**IN THE COURT OF THE PRL. SENIOR CIVIL JUDGE
& J.M.F.C, KRISHNARAJPET**

PRESENT : SRI. SUDEER., B.A.LL.M
Prl. Senior Civil Judge & JMFC
Krishnarajpet

DATED THIS 8th DAY OF JULY 2026

C.C.No. 214/2020

Complainant : State by Krishnarajpet Rural P.S.
(Rep. By Ln. APP, Krishnarajpet)

Versus

Accused :

1. Shanthakumar S/o Late Nanjappa
Aged about 31 years,
2. Ravi @ Tamil S/o Nanjundegowda
Aged about 25 years,
3. Santhosh @ Amavasegowda
S/o Chandregowda
Aged about 22 years,
4. Mohan S/o Marigowda
Aged about 25 years

5. Kumara S/o Shivananjegowda
Aged about 27 years

***All are R/o Alambadikavalu
village, Akkihebbalu Hobli
Krishnarajpet Taluk
Mandya District.***

(Rep. By Sri D.N. Adv.)

J U D G M E N T

The Sub-Inspector of Krishnarajpet Rual P.S has submitted the charge sheet against the accused persons for the offences punishable under sections 143, 323, 324, 504 and 506 R.W.Sec.149 of IPC and 3(1)(x), 3(1)(xl), 3(1)(12) of SC and The ST (Prevention of Atrocities) Act Act.

2. Brief facts of the case of the prosecution:

The allegation as per the charge sheet is that on 22.03.2015 at about 7.00 p.m. when CW.1 and CW.2 were standing infront of their house, at Alambadikavalu village, during that time accused persons forming unlawful assembly on old ill-will with common intention took quarrel with CW.1 and CW.2. It is further alleged that accused persons abused CW.1 and CW.2 in filthy language for filing case against

them. It is further alleged that accused No.2 assaulted CW.1 with wooden club caused simple injury. It is further alleged that when CW.2 tried to pacify the quarrel the accused No.2 assaulted CW.2 by her down. It is further alleged that accused persons threatened to kill CW.1 and CW.2 Hence the complaint was lodged against the accused persons.

3. SHO of Krishnarajpet P.S has registered the case against the accused person No.1 to 5 under station Cr.No.84/2015. After investigation PSI has submitted the charge sheet against the accused Nos.1 to 5 for the aforesaid offences.

4. The accused No.1 to 5 were enlarged on bail. The copies of the prosecution materials were supplied to them. The charges were framed against the accused No.1 to 5 for which the accused have pleaded not guilty.

5. The prosecution has got examined the CW-2 as PW-1 and got marked three documents at Ex.P-1 to Ex.P-3. CW.1 is reported to be dead. As the complainant has not supported the case of the prosecution, the examination of the accused No.1 to 5

under section 313 of the Cr.P.C was dispensed with.

6. Heard arguments. Perused records.

7. The points that arise for the consideration of this court are:

P O I N T S

1. Whether the prosecution proves beyond reasonable doubt that on 22.03.2015 at about 7.00 p.m. when CW.1 and CW.2 were standing in front of their house, at Alambadikavalu village, during that time accused persons in prosecution of their common object, forming unlawful assembly on old ill-will and thereby committed offence punishable U/Sec.143 R/W.Sec.149 of IPC?

2. Whether the prosecution further proves beyond reasonable doubt that on the aforesaid date, time and place the accused in prosecution of their common object, intentionally abused the CW.1 and CW.2 in filthy language by raising their case name and thereby committed offence punishable U/Sec. 504 R/W Sec.149 of IPC?

3. Whether the prosecution further proves beyond reasonable doubt that on the aforesaid date, time and place the accused in prosecution of their common object, voluntarily caused simple hurt to CW.1 and CW.2 with wooden club and

with their hands and legs and caused simple injuries and punishable U/Sec.324 and 323 R/W.Sec.149 of IPC?

4. Whether the prosecution further proves beyond reasonable doubt that on the aforesaid date, time and place the accused in prosecution of their common object, have threatened to kill CW.1 and CW.2 and thereby committed offence punishable U/Sec.506 R/W Sec.149 of IPC?

5. What order or sentence?

8. This court proceeds to answer the aforesaid points as hereunder:

<u>Point No.1</u>	:	In the <i>negative</i>
<u>Point No.2</u>	:	In the <i>negative</i>
<u>Point No.3</u>	:	In the <i>negative</i>
<u>Point No.4</u>	:	In the <i>negative</i>
<u>Point No.5</u>	:	As per final order for the following:

REASONS

9. **Points Nos.1 to 4:** For avoiding repetition of facts and evidence these points are taken up for common discussion. As aforesaid the prosecution has got examined CW-1 as PW-1. In her examination-in-chief,

she has deposed that accused No.1 is her son he is dead. She deposed that no quarrel took place between them and accused persons. She deposed that accused persons have not case abused. She deposed that accused persons have not abused them in filthy language or assaulted or threatened them of dire consequences. She deposed that she or CW.1 had not taken any treatment in the Hospital. She deposed that when she was at hospital during that time the police had obtained her signatures on two documents. She deposed that she unaware about the contents of the document. She deposed that she has not given any statement to the police. Complainant is marked at Ex.P.1. Mahazar is marked at Ex.P.2. PW-1 was treated hostile by the prosecution and was cross-examined at length. Nothing worth is elicited in support of prosecution case. She admits that now the matrimonial dispute between them is resolved and they are living happily.

10. PW-1, being the victim witness has not supported the case of the prosecution in ***toto***. No purpose would have been served by examining the other witnesses in the case. It is well settled principle of law laid down by the ***Hon'ble Supreme Court in 1996(3) Crime 84***

Sathish Mehra V/s Delhi Administration and another; wherein at page No.13 the Hon'ble Apex Court held as follows; 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 the trial only for the purpose of formally completing the procedure to pronounce the conclusion on a future date. There is no reasonable prospectus of conviction of the accused, due to the non-supporting of the case by the victim. There is no positive evidence to prove the guilt of the accused. Thus this court is constrained to hold that the prosecution has failed to bring home the guilt of the accused. Accordingly this court answers points Nos.1 to 4 in the ***negative***.

11. **Point No.5:-** In the light of foregoing discussions, this court proceeds to pass the following:

ORDER

Under the powers conferred upon this court under section 248 (1) of Cr.P.C, the accused Nos.1 to 5 are acquitted of the offences punishable under sections 143, 323, 324, 504 and 506 R.W.Sec.149 of IPC and 3(1)(x), 3(1)

**(xl), 3(1)(12) of SC and The ST
(Prevention of Atrocities) Act Act.**

**The bail bond and surety bond of
Accused Nos.1 to 5 stands canceled.**

**One wooden stick is seized under P.F
No.54/2015 dated 23.03.20215, being
worthless is ordered to be destroyed
after the appeal period is over.**

*[Dictated to stenographer directly on computer, transcription corrected and
then pronounced by me in open court on this 8th day of July 2026]*

[SUDEER]

Prl. Senior Civil Judge & JMFC
Krishnarajpet

ANNEXURES

WITNESSES EXAMINED FOR PROSECUTION:

PW-1 : Narasamma

DOCUMENTS EXHIBITED FOR PROSECUTION:

Ex.P-1 : First Information Statement
Ex.P-1(a) : Signature of PW-1
Ex.P-2 : Spot Mahazar
Ex.P-2(a) : Signature of PW-1
Ex.P-3 : Statement of PW-1

MATERIAL OBJECTS MARKED FOR PROSECUTION:

- NIL -

WITNESSES EXAMINED FOR DEFENCE :

- NIL -

DOCUMENTS EXHIBITED FOR DEFENCE:

-NIL-

**Prl. Senior Civil Judge & JMFC
Krishnarajpet**