

KAMD200004302019



Presented on : 27-05-2019
Registered on : 03-06-2019
Decided on : 02-04-2026
Duration : 6 years, 10 months, 6 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 2nd DAY OF APRIL 2026

C.C.No.157/2019

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

Versus

Accused : 1. Jagadeesh.M.R
S/o Late Ramegowda
Aged about 60 years

2. Moganna S/o Jagadeesh
Aged about 31 years

3. Nagegowda
S/o Late Ramegowda
Aged about 51 years

4. Suresh.M.N
S/o Nagegowda
Aged about 30 years
6. Dharanikumar
S/o Nagegowda
Aged about 24 years

All are R/at: Mattikere village
Bookanakere Holbi
Krishnarajpet Taluk
Mandya District.

(Rep. By Sri.Y.G. Adv.)

J U D G M E N T

The Sub-Inspector of Krishnarajpet Rural P.S has submitted the charge sheet against the accused persons for the offences punishable under sections 143, 147, 506, 323, 324 and 504 R/W.Sec.149 of IPC.

2. Brief facts of the case of the prosecution:

That on 17-08-2018 at 8.30 a.m. when CW.1 was going passing through the conservancy lane situated between the house of Late Rajegowda and Jagadish S/o Late Ramegowda, at Mattikere village, during that time the accused persons took quarrel with CW.1 on old ill-will that he is putting up construction in the new site purchased by him. It is further alleged that the accused persons took quarrel and abused them in

filthy language. It is further alleged that accused persons assaulted CW.1 with wooden club, coconut tree branch and with their hands and legs and caused simple injuries. It is further alleged that the accused persons threatened to kill CW.1 by stabbing him with a knife. Hence complaint was lodged against the accused persons.

3. SHO of Krishnarajpet Rural P.S has registered the case against the accused persons under station Cr.No.276/2018 and after investigation the concerned PSI has submitted the charge sheet for the aforesaid offences against the accused persons.

4. The accused persons were enlarged on bail. The copies of the prosecution materials were supplied to them. The charges were framed against the accused persons for which the accused have pleaded not guilty.

5. The prosecution has got examined the CW-1 as PW-1 and got marked two documents at Exs.P-1 and P-2. As the complainant has not supported the case of the prosecution, the examination of the accused persons 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 17-08-2018 at 8.30 a.m. when CW.1 was going passing through the conservancy lane situated between the house of Late Rajegowda and Jagadish S/o Late Ramegowda, at Mattikere village, during that time the accused persons forming unlawful assembly in prosecution of their common object took quarrel with CW.1 on old ill-will that he is putting up construction in the new site purchased by him and thereby committed offences punishable U/Sec.143 and 147 R/w.Sec.149 of IPC?

2. Whether the prosecution further proves that on the aforesaid date, time and place accused persons in prosecution of their common object, have intentionally abused CW.1 in filthy language and thereby gave provocation, intending or knowing it to be likely that such provocation will cause him to break public peace or to commit any other 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, have voluntarily caused simple hurt to CW.1 by assaulting with wooden club, coconut tree branch and with their hands and kicked with legs and thereby committed offence 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 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.

10. PW-1 In his examination-in-chief, he has deposed that no quarrel took place between him and accused persons. He deposed that the accused persons forming unlawful assembly had not abused him in filthy language or assaulted or threatened to kill him. He deposed that he has not taken treatment in the hospital. He deposed that police have not conducted any mahazar in his presence or seized any material object. He deposed that he has not given any statement before the police. He deposed that when he had visited police station to resolve minor dispute during that time police had obtained his signature of two documents. He deposed that he is unaware of the contents of the document. Complaint is marked as EX.P1, Signature is marked Ex.P1(a). Mahazar is marked as Ex.P2, Signature is marked Ex.P2(a). PW-1 was treated hostile by the prosecution and was cross-examined at length. Nothing worth is elicited from his by the prosecution. As such his evidence is of no avail to the prosecution. In the cross-examination he admits that now matter has been compromise between them due to interference of the villagers and elders of the family.

11. PW-1 being complainant has not supported the case of the prosecution in *toto*. No purpose would have been served by examining 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 persons, due to the non-supporting of the case by the complainant. There is no positive evidence to prove the guilt of the accused. Hence, I answer Point No.1 to 4 in the **Negative**.

12. **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.2 to 6 are

acquitted of the offences punishable under sections 143, 147, 506, 323, 324, 504 R/W.Sec.149 of IPC.

The bail bond and surety bond of Accused Nos.2 to 6 stands canceled.

Item Nos.1 to 3 i.e. one coconut tree branch, torn shirt and wooden club seized under PF No.97/2018 dated 18.08.2018 being worthless are ordered to be destroyed after appeal period is over.

[Dictated to stenographer directly on computer, transcription corrected and then pronounced by me in open court on this 2nd day of April 2026]

[SUDEER]

Prl. Senior Civil Judge & JMFC
Krishnarajpet

ANNEXURES

WITNESSES EXAMINED FOR PROSECUTION:

PW-1 : Sathish

DOCUMENTS EXHIBITED FOR PROSECUTION:

Ex.P-1 : Complaint
Ex.P-1(a) : Signature of PW.1
Ex.P-2 : Spot Mahazar
Ex.P-2(a) : Signature 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**