

KAMD200024742021



Presented on : 29-07-2021
Registered on : 29-07-2021
Decided on : 07-07-2026
Duration : 4 years, 11 months, 9 days

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

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

DATED THIS 7th DAY OF JULY 2026

C.C.No. 2053/2021

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

Versus

Accused : 1. Sannakalegowda S/o Late Kalegowda
Aged about 60 years
2. Dinesh.S.K. S/o Sannakalegowda
Aged about 33 years
3. Naveen.S. S/o Sannakalegowda
Aged about 28 years

All are R/at: Sakshibeedu village
Krishnarajpet Taluk
Mandya District.

(Rep. By Sri. M.N.A. 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 323, 324, 448, 504, 506 R/W.Sec.34 of IPC.

2. Brief facts of the case of the prosecution:

That on 21.05.2020 at about 7.00 a.m. CW.1 was tying her goats and sheep infront of their house at Sakshibeedu village, during that time accused persons had objected her from tying the goat and sheep telling that they would make a mess. It is further alleged that CW.1 told them that she has tied sheep infront of her house, for that the accused persons took quarrel with CW.1 and abused in her filthy language. It is further alleged that accused persons have illegally trespassed

into the house of CW.1 and assaulted her with machete, brick piece and stone and kicking with their legs had caused simple injuries. It is further alleged that accused persons have threatened to kill CW.1. Hence complaint was lodged against the accused persons.

3. SHO of Krishnarajpet Rual P.S has registered the case against the accused persons under station Cr.No.131/2020. After investigation PSI has submitted the charge sheet for the aforesaid offences against the accused persons for the aforesaid offences.

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 persons have pleaded not guilty.

5. The prosecution has got examined the CW-1 and CW-2 as PW-1 and PW-2 and got marked four documents at Ex.P-1 to Ex.P-4. As the complainant and injured witness have not supported the case of the prosecution, the examination of the accused person 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 21.05.2020 at about 7.00 a.m. CW.1 was tying her goats and sheep in front of their house at Sakshibeedu village, during that time accused persons had objected her from tying the goat and sheep telling that they would make a mess for that CW.1 told them that she has tied sheep in front of her house, for that the accused persons in furtherance of their common intention took quarrel with CW.1 and abused her in filthy language and thereby gave provocation, intending or knowing it to be likely that such provocation will cause her to break public peace or to commit any other offence punishable U/Sec. 504

R/W.34 of IPC?

2. Whether the prosecution further proves beyond reasonable doubt that on the aforesaid date, time and place the accused persons in furtherance of their common intention illegally trespassed into the house of CW.1 by holding machete, brick piece and stone in their hands and thereby committed offence punishable U/Sec. 448 R/W.34 of IPC?

3. Whether the prosecution further proves beyond reasonable doubt that on the aforesaid date, time and place the accused persons in furtherance of their common intention voluntarily caused simple injuries to CW.1 by assaulting her with machete, brick piece and stone and thereby committed offence punishable U/Sec. 324 R/W.34 of IPC?

4. Whether the prosecution further proves beyond reasonable doubt that on the aforesaid date, time and place the accused persons in furtherance of their common intention voluntarily caused simple injuries to CW.1 by assaulting her with their hands and kicking with their legs and thereby committed offence punishable U/Sec. 323 R/W.34 of IPC?

5. Whether the prosecution further proves beyond reasonable doubt that on the aforesaid date, time and place the accused persons in furtherance of their common intention threatened to kill CW.1 of dire consequences and thereby committed offence punishable U/Sec.506 R/W.34 of IPC?

6. 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>	:	In the <i>Negative</i>
<u>Point No.6</u>	:	As per final order for the following:

REASONS

9. **Points Nos.1 to 5:** For avoiding repetition of facts and evidence these points are taken up for common discussion. As aforesaid the prosecution has got examined CW-1 and CW-2 as PW-1 and PW-2.

10. PW.1 in her examination-in-chief, she has deposed that no quarrel took place between her and accused persons. She deposed that accused persons have never illegally trespassed into her house or abused her in filthy language or assaulted or threatened to kill her.

She deposed that she has not taken any treatment at Hospital. She deposed that the police had not conduct any mahazar and no material objects were recovered in her presence. She deposed that when she had visited the police station for resolving their minor disputes during that time the police had obtained her signatures on two documents. She deposed that she does not know about the contents of the documents. Ex.P.1 is the complaint. Ex.P.2 is the spot mahzar. She deposed that she has not given re-statement to the police. PW-1 was treated hostile by the prosecution and was cross-examined at length. Nothing worth is elicited from her. In the cross-examination PW.1 admits that now matter as been settled between them due to interference of villagers and elders of the family.

11. PW-2 in his evidence, has also not attributed any overt act against the accused persons. He has also deposed that no quarrel took place between him and

accused persons. He deposed that the accused have never illegally trespassed into their house or abused CW.1 in filthy language or assaulted CW.1 or threatened to kill CW.1. He deposed that he had not been treated in a hospital. He deposed that he has not given any statement to the police. This witness was also treated hostile and was cross-examined. Nothing worth is elicited from him also by 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.

12. PW-1 and PW-2 being the victims have 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 persons, due to the non-supporting of the case by the victims. There is no positive evidence to prove the guilt of the accused persons. Thus this court is constrained to hold that the prosecution has failed to bring home the guilt of the accused persons. Accordingly this court answers points Nos.1 to 5 in the ***negative.***

13. **Point No.6:-** 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 No.1 to 3 are acquitted of the offences punishable under sections 323, 324, 448, 504, 506 R/W.Sec.34 of IPC.

The bail bond and surety bond of Accused No.1 to 3 stands canceled.

Item No.1 and 3 i.e. half brick piece and one stone seized under P.F No.92/2020 dated 22.05.2020, being worthless are ordered to be destroyed after appeal period is over.

Item No.2 i.e. one iron machete seized under above said PF No. ordered to be confiscated to stated after appeal period is over.

[Dictated to stenographer directly on computer, transcription corrected and then pronounced by me in open court on this 7th day of July 2026]

[SUDEER]

Prl. Senior Civil Judge & JMFC
Krishnarajpet

ANNEXURES**WITNESSES EXAMINED FOR PROSECUTION:**

PW-1 : Vijayamma
PW-2 : Jawaregowda

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
Ex.P-3 : Statement of PW-1
Ex.P-4 : Statement of PW-2

MATERIAL OBJECTS MARKED FOR PROSECUTION:

- NIL -

WITNESSES EXAMINED FOR DEFENCE :

- NIL -

DOCUMENTS EXHIBITED FOR DEFENCE:

- NIL -

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