

KAMD720002462017



Presented on : 27.02.2017

Registered on : 27.02.2017

Decided on : 25.03.2026

Duration : 10years 00month 02days

**IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC,
AT SRIRANGAPATNA**

Present : Sri.UMESHA M. P., B.A.L., LL, B.
PRL.CIVIL JUDGE & JMFC,
SRIRANGAPATNA

DATED: ON THIS THE 25th DAY OF MARCH - 2026

CRIMINAL CASE NO. 101 / 2017

COMPLAINANT : The State by K R SAGARA POLICE STATION,
(Represented by learned Asst.Public Prosecutor)

//Versus//

ACCUSED PERSONS : 1. GOWDAIAH S/o JAVARE GOWDA,
Aged about 58 years, Occ: Agriculturist,
2. CHANDRU S/o GOWDAIAH,
Aged about 31 years, Occ: Agriculturist,
3. SMT. MAHALAKSHMI W/o CHANDRA,
Aged about 30 years, Occ: Homemaker,
4. SMT. PUTTAMMA W/o GOWDAIAH,
Aged about 50 years, Occ: Homemaker,
All are R/o Bazarline, KR Sagara,
Srirangapatna Tq, Mandya District
(Represented by Sri.HRKG., Advocate)



Date of commission of offence	26.04.2016
Date of report of offence	29.04.2016
Date of arrest of the accused No.1 to 4	09.05.2017
Date of release of the accused No.1 to 4	09.05.2017
Name of the Informant	Ravi S/o Puttaramu
Date on which the plea of the accused No.1to 4 were recorded	06.11.2019
Plea of the accused No.1to 4	Pleaded not guilty
Date on which the statement of the accused No.1 to 4 U/Sec. 313 of Cr.P.C were recorded	18.03.2016
Date of recording evidence	12.09.2023
Date of closing evidence	04.02.2026
Offence complained of	U/Sec.341, 504, 506 324 R/w Sec.34 of IPC
Opinion of the Judge	Accused No.1 to 4 are not found guilty for the O/P/U/Sec.341, 504, 506 324 R/w Sec.34 of IPC
Date on which the judgment was pronounced	25.03.2026

(UMESHA M.P)
Prl.Civil Judge & JMFC
Srirangapatna

JUDGMENT

The PSI of KR Sagara Police Station, has filed the charge-sheet against the accused No.1 to 4 with the allegation that, the accused No.1 to 4 have



committed the offences punishable U/Sec.341, 504, 506 324 R/w Sec.34 of IPC and the accused No.1 to 4 are tried for the offences punishable U/Sec. 341, 504, 506 324 R/w Sec.34 of Indian Penal Code.

2. The brief facts of the Prosecution case are as follows:

That, on 26.04.2016 at 5:30pm, when the CW-1 was in a road, near his land, situated at Hongahalli, Srirangapatna Tq, within the limits of KR Sagara PS, at that time the accused No.1 to 4 in furtherance of their common intention, the accused No.1 to 4 picked up quarrel with complainant with respect to property dispute and the accused No.1 to 4 wrongfully restrained the complainant and the accused No.1 to 4 abused the complainant in filthy language intending that such provocation would cause to break the public peace. Further, the accused No.1 assaulted the complainant with a club and caused voluntarily grievous injuries to him. Further, the accused No.2 to 4 in furtherance of their common intention, they gave life threat to the life of the complainant with dire consequences to finish his life. Hence, the informant prayed to take legal action against the accused persons.

3. On receipt of complaint in this regard from CW-1, the KR Sagara Police, have registered a case against the accused No.1 to 4 in their Crime No.95/2016, for the offences punishable U/Sec. 341, 504, 506 324, 323 R/w



Sec.34 of IPC and investigating officer proceeded to the spot, drawn the mahazar and recorded the statement of witnesses and obtained the wound certificate of CW-1 and after completion of investigation, CW-7 filed the charge-sheet before this court against the accused No.1 to 4 for the offences punishable U/Sec. 341, 504, 506 324 R/w Sec.34 of Indian Penal Code.

4. After the charge-sheet was submitted, cognizance was taken for the offences punishable U/Sec. 341, 504, 324, 506 R/w Sec. 34 of Indian Penal Code and ordered to register the case as criminal case and issued summons to the accused No.1 to 4. Pursuant to the summons issued, the accused No.1 to 4 appeared before the court through their counsel and they have obtained the bail vide order-sheet dated: 09.05.2017. During the trial accused No.1 to 4 are on bail. Copies of all the prosecution papers were supplied to the accused as per section 207 of Cr.P.C. This court having heard both the side on the question of charge and having satisfied with the materials placed on record, charge for the offences punishable U/Sec. 341, 504, 506 324 R/w Sec.34 of Indian Penal Code is framed and the contents of charge has been read over and explained to the accused No.1 to 4 in Kannada language known to them. The accused No.1 to 4 pleaded not guilty and claimed to be tried and as such, the trial was fixed as per section 242 of Cr.P.C.



5. In order to bring home the guilt against the accused, the prosecution has examined in all witnesses as PW-1 to PW-7 and got marked the documents as per ExP-1 to ExP-9 and also marked MO No.1 and closed its side.

6. The statement of accused No.1 to 4 as contemplated under the provisions of section 313 of Cr.P.C, recorded, incriminating evidence as such forthcoming in the evidence of prosecution witnesses has been read over and explained to the accused No.1 to 4 in the language known to them. The accused No.1 to 4 have denied the entire evidence of prosecution witnesses. However they did not choose to enter the defense evidence.

7. During the course of arguments, the learned APP for State argued with force that, the oral evidence of PW-1 to PW-7 read with at ExP-1 to ExP-9 clearly establishes the case of the prosecution and therefore the entire evidence of prosecution witnesses has to accepted and the accused is liable to be convicted.

8. On the other hand, the learned counsel for the accused No.1 to 4 vehemently argued that, there is a delay in lodging the complaint / first information to the complainant police. It is further argued that, the alleged delay has not been explained properly before this court. It is further argued that, the PW-1 to PW-7 have categorically deposed about the alleged incident, but there are several omissions and contradictions in the evidence deposed by the said witnesses and there is an improvement made before the Court and therefore in



the absence of independent testimony, the evidence of these witnesses also not come in the way of prosecution to establish the case of the prosecution. It is further argued that, the prosecution has failed to prove the case of the prosecution beyond all reasonable doubts. It is further argued that, there are full of contradictions, improvements and also commissions in the evidence of prosecution witnesses and their witnesses are not free from doubt. Therefore the evidence of prosecution witnesses has to be rejected and consequently, the accused No.1 to 4 are entitle to an order of acquittal.

9. In the light of arguments canvassed on the both side, I have carefully perused the oral and documentary evidence placed on record.

10. On going through the facts and circumstances of the Prosecution case, the following points would arise for my consideration:

POINTS

1. Whether the Prosecution proves beyond all reasonable doubt that, on 26.04.2016 at 5:30pm, when the CW-1 was in a road, near his land, situated at Hongahalli, Srirangapatna Tq, within the limits of KR Sagara PS, at that time the accused No.1 to 4 in furtherance of their common intention, the accused No.1 to 4 picked up quarrel with complainant with respect to property dispute and the accused No. 1 to 4 abused the complainant in vulgar words and intentionally insulted him and thereby the accused No.1 to 4 have committed an



offence punishable U/Sec.504 R/w Sec. 34 of Indian Penal Code?

- 2. Whether the prosecution further proves that, on the aforesaid date, time and place, the accused No.1 to 4 in furtherance of their common intention, the accused No.1 to 4 picked up quarrel with the complainant with respect to property dispute and the accused No.1 to 4 wrongfully restrained the complainant from moving further and thereby the accused No.1 to 4 have committed an offence punishable U/Sec.341 R/w Sec.34 of Indian Penal Code?*
- 3. Whether the prosecution further proves that, on the aforesaid date, time and place, during the course of same transaction, the accused No.1 to 4 in furtherance of their common intention, the accused No.1 to 4 picked up quarrel with complainant with respect to property dispute and the accused No.1 has assaulted to CW-1 with a club and voluntarily caused greivious injuries to CW-1 and thereby the accused No.1 to 4 have committed an offence punishable under section 324 R/w Sec.34 of Indian Penal Code?*
- 4. Whether the prosecution further proves that, on the aforesaid date, time and place, during the course of same transaction, the accused No.1 to 4 in furtherance of their common intention, the accused No.1 to 4 picked up quarrel with complainant with respect to property dispute*



and the accused No.2 to 4 gave life threat to the life of complainant with dire consequences to finish his life and thereby the accused No.1 to 4 have committed an offence punishable under section 506 R/w Sec.34 of Indian Penal Code?

5. *What Order?*

11. My findings to the above Points are in the following because of below-discussed reasons:

POINT NO.1 : In the Negative

POINT NO.2 : In the Negative

POINT NO.3 : In the Negative

POINT NO.4 : In the Negative

POINT NO.5: As per final order for the following:

REASONS

POINTS NO. 1 TO 4:

12. The alleged incident involved the offences punishable U/Sec. 341, 504, 324, 506 of Indian Penal Code, which have taken place concurrently and in continuity. Therefore, in order to avoid repetition of facts and evidence being narrated separately, these points are taken together for common discussion.

13. I have already narrated in brief as to what the case of the prosecution is. The specific allegation against the accused is that, on 26.04.2016 at 5:30pm, when the CW-1 was in a road, near his land, situated at Hongahalli,



Srirangapatna Tq, within the limits of KR Sagara PS, at that time the accused No.1 to 4 in furtherance of their common intention, the accused No.1 to 4 picked up quarrel with complainant with respect to property dispute and the accused No.1 to 4 wrongfully restrained the complainant and the accused No.1 to 4 abused the complainant in filthy language intending that such provocation would cause to break the public peace. Further, the accused No.1 assaulted the complainant with a club and caused voluntarily grievous injuries to him. Further, the accused No.2 to 4 in furtherance of their common intention, they gave life threat to the life of the complainant with dire consequences to finish his life. Hence, the informant prayed to take legal action against the accused persons.

14. In order to bring the guilt of the accused No.1 to4, the prosecution examined the complainant / CW-1-Ravi S/o Puttaramu as PW-1 and got marked the document as per ExP-1 & ExP-2 and also MO No.1. PW-1 being the complainant, injured and victim in the alleged incident has supports the case of the prosecution. In spite of Cross-examining him by the learned counsel for the accused No.1 to 4, nothing has been elicited from his mouth so as to dis-prove the case of the prosecution. Admittedly, the PW-1 is complainant, injured and victim to the alleged incident and



he is the interested witness to the alleged incident and therefore in the absence of independent testimony, the evidence of this witness also not come in the way of prosecution to establish the case of the prosecution.

15. In order to bring the guilt of the accused No.1 to4, the prosecution examined the CW-2-Raghu S/o Puttaramu as PW-2. PW-2 being the eye witness in the alleged incident has supports the case of the prosecution. In spite of Cross-examining him by the learned counsel for the accused No.1 to 4, nothing has been elicited from his mouth so as to dis-prove the case of the prosecution. Admittedly, the PW-2 is the brother of the PW-1 and he is the interested witness to the alleged incident and therefore in the absence of independent testimony, the evidence of this witness also not come in the way of prosecution to establish the case of the prosecution.

16. In order to bring the guilt of the accused No.1 to4, the prosecution examined the CW-2-Raghu S/o Puttaramu as PW-2. PW-2 being the eye witness in the alleged incident has supports the case of the prosecution. In spite of Cross-examining him by the learned counsel for the accused No.1 to 4, nothing has been elicited from his mouth so as to dis-prove the case of the prosecution. Admittedly, the PW-2 is the brother of the PW-1 and he is the interested witness to the alleged incident and therefore in the



absence of independent testimony, the evidence of this witness also not come in the way of prosecution to establish the case of the prosecution.

17. In order to bring the guilt of the accused No.1 to 4, the prosecution examined the CW-3-Eshwar S/o Appajjaiah as PW-3 and CW-4-Swamy S/o Kempegowda as PW-7. PW-3 & PW-7 being the eye witnesses and spot mahazar witnesses in the alleged incident have partly supports the case of the prosecution. In spite of Cross-examining him by the learned counsel for the accused No.1 to 4, nothing has been elicited from their mouth so as to dis-prove the case of the prosecution.

18. PW-4-Dr: Sowmya is the medical officer and she has deposed about the treatment given to the complainant and issuance of wound certificate as per ExP-3.

19. PW-5-Mahesh NV, PSI, KR Sagara PS and PW-6-Suresh bhopanna KS, PSI, KR Sagara PS who are the investigating officers have deposed about the investigating process. The evidence of these witnesses is formal in nature and therefore in the absence of independent testimony, the evidence of these witnesses also not come in the way of prosecution to establish the case of the prosecution.



20. It is the cardinal rule of criminal jurisprudence that, no man shall be punished unless the guilt against them is proved beyond reasonable doubt.

21. It is necessary to note here that, there a delay in lodging the complaint/first information to the complainant police. According to the case of the prosecution, the alleged incident taken place/committed on 26.04.2016 at 05:30pm. But the complaint/first information has been lodged on 28.04.2016 at 12:45pm. There is a delay of 02 days in lodging the complaint/first information to the complainant police. Alleged delay has not been explained properly before this court.

22. On perusal of the evidence deposed by aforesaid witnesses, it is discloses that, they are interested witnesses to the alleged incident and therefore in the absence of independent testimony, the evidence of these witnesses also not come in the way of prosecution to establish the case of the prosecution. Upon perusal of the evidence deposed by aforesaid witnesses, it is pertinent to state here that, the PW-1 to PW-7 have categorically deposed about the alleged incident, but there are several omissions and contradictions in the evidence deposed by the said witnesses and there is an improvement made before the Court and therefore in the absence of independent testimony, the evidence of these witnesses also not come in the way of prosecution to establish the case of the prosecution.



23. Upon perusal of the evidence deposited by aforesaid witnesses, it is pertinent to state here that the PW-1 to PW-7 have categorically deposited about the alleged incident, but there are several omissions and contradictions in the evidence deposited by the said witnesses and there is an improvement made before the Court. Hence, mere stating that the accused has committed the alleged offences is not sufficient. It is to be established by placing a cogent and acceptable material before the Court. Considering all these facts, there is lack of clear and cogent evidence which established the alleged guilt of accused beyond reasonable doubts. Admittedly, there is civil dispute between the complainant and the accused persons. Non - examination of material witnesses and non - support of material witnesses who are the residents of village who said to have been pacify the alleged galata and creates doubt with regard to the story of prosecution. Once such doubt is created, benefit of doubt should always given to the accused. Hence, in view of the detailed discussion made supra, I am of the view that, the prosecution has failed to prove the offences alleged against the accused beyond all reasonable doubts for the offences punishable U/Sec.341, 504, 324, 506 R/w Sec.34 of Indian Penal Code. Hence I answer points No.1 to 4 in the Negative.

POINT NO.5:

24. In view of my findings to the above points, I proceed to pass the following order:



ORDER

Accused No.1 to 4 are found not guilty for the offences punishable U/Sec. 341, 504, 324, 506 R/w Sec. 34 of Indian Penal Code.

Acting U/Sec.248 (1) of Cr.P.C., the accused No.1 to 4 are acquitted from the charges levelled against them for the offence punishable U/Sec. 341, 504, 324, 506 R/w Sec.34 of Indian Penal Code

Accused is set at liberty. The bail bond and his surety bond shall be in force till appeal period is over as per the provision of U/Sec.437 (A) of Cr.P.C.

It is not a fit case to award compensation to the complainant/victim as per section 357 of Cr.P.C.

The material object No.1 – a club as shown in column No.11 of the charge sheet, seized and reported to this Court under P.F.No.123/2021 dated:13.10.2021 and PR No.04/2026 dated:18.02.2026 being worthless should be destroyed after expiry of appeal period.

The order regarding disposal of property shall be given effect to after the appeal period is over and if an appeal is filed then, after the disposal of such appeal.

(Dictated to the Stenographer directly on Computer, typed by him, Judgment corrected and signed by me, then pronounced by me in the Open Court on this the 25th day of MARCH – 2026 at Srirangapatna)

(UMESH M.P)
Prl. Civil Judge & JMFC,
Srirangapatna



ANNEXURE TO THE JUDGMENT

List of the Witnesses examined by the Prosecution:

- PW-1 : Ravi S/o Puttaramu,
PW-2 : Raghu S/o Puttaramu,
PW-3 : Eshwara S/o Appajaiah,
PW-4 : Dr.Sowmya C.S W/o M.N.Rajendraprasad,
PW-5 : Mahesh N.V S/o Venkatachalaiah,
PW-6 : Suresh Bopanna.K.N S/o Late.Nanaiah,
PW-7 : Swamy S/o Kenchegowda,

List of the Documents exhibited for the Prosecution:

- Exp-1 : Complaint dated:28.04.2016,
Exp-1(a) : Signature of PW-1 on Exp-1,
Exp-1(b) : Signature of PW-5 on Exp-1,
Exp-2 : Spot Panchaname dated:28.04.2016,
Exp-2(a) : Signature of PW-1 on Exp-2,
Exp-2(b) : Signature of PW-3 on Exp-2,
Exp-2(c) : Signature of PW-5 on Exp-2,
Exp-2(d) : Signature of PW-7 on Exp-2,
Exp-3 : Wound certificate of PW-1,
Exp-3(a) : Signature of the PW-4 on Exp-3,
Exp-3(b) : Signature of the PW-6 on Exp.P3,
Exp-4 : FIR,
Exp-4(a) : Signature of the PW-5 on Exp4,
Exp-5 : Further Statement of the PW-1,
Exp-6 : Statement of the PW-2,



ExP-6(a) : Signature of the PW-5 on ExP-6,
ExP-7 : Statement of the PW-3,
ExP-7(a) : Signature of the PW-5 on ExP-7,
ExP-8 : Statement of the PW-7,
ExP-8(a) : Signature of the PW-5 on ExP-8,
ExP-9 : PF No.66/2016 dated:28.04.2016,
ExP-9(a) : Signature of PW-5 on ExP-9

List of M.Os marked on behalf of the Prosecution:

MO No.1 : a club

List of Witnesses examined for defence:

-Nil-

List of Documents exhibited for defence:

-Nil-

List of MOs marked on behalf of Defence:

-Nil-

(UMESH M.P)
Prl.Civil Judge & JMFC
Srirangapatna

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