

KAMD720009442018



Presented on : 17.09.2018

Registered on : 17.09.2018

Decided on : 24.03.2026

Duration : 08years 06months 07days

IN THE COURT OF THE PRL. CIVIL JUDGE AND JMFC,

AT SRIRANGAPATNA

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

DATED: ON THIS THE 24th DAY OF MARCH - 2026

CRIMINAL CASE NO. 293 / 2018

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

//Versus//

ACCUSED PERSON : MADESHA S/o Late.Ramegowda,
Aged about 29 years, Occ:Agriculturist,
R/o Kodiyala Village, Arakere Hobli,
Srirangapatna Taluk, Mandya District,
(Represented by Sri.CKS, Advocate)

Date of commission of offence	19.11.2017
Date of report of offence	22.11.2017
Date of arrest of the accused	16.12.2019
Date of release of the accused	16.12.2019
Name of the Informant	Smt. Gowramma W/o Late. Ramegowda
Date on which the plea of the accused was recorded	08.09.2021
Plea of the accused	Pleaded not guilty
Date on which the statement of the	11.11.2025



accused U/Sec. 313 of Cr.P.C were recorded	
Date of recording evidence	27.02.2023
Date of closing evidence	02.09.2025
Offence complained of	U/Sec. 504, 323, 324, 506 of IPC
Opinion of the Judge	Accused is not found guilty for the O/P/U/Sec. 504, 323, 324, 506 of IPC
Date on which the judgment was pronounced	24.03.2026

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

J U D G M E N T

The PSI of Arakere Police Station has filed the charge-sheet against the accused with the allegation that, the accused has committed the offences punishable U/Sec.504, 323, 324, 506 of Indian Penal Code and the accused is tried for the offences punishable U/Sec.504, 323, 324, 506 of Indian Penal Code.

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

That, on 19.11.2017 at 07:00pm, when the CW-1 & CW-2 were in front of the house of CW-1, situated at Kodiyala Village, Srirangapatna Tq, within the limits of Arakere PS, the accused picked up quarrel with complainant with respect to selling of house of CW-1. Further, the accused abused the complainant in filthy language intending that such provocation would cause to break the public peace. Further, the accused assaulted the complainant with



plastic pipe on her body and voluntarily caused grievous injuries to her and accused assaulted the complainant with his hand and voluntarily caused simple injuries to her. Further, the accused gave life threat to the life of complainant with dire consequences to finish her life. Hence, the informant prayed to take legal action against the accused.

3. On receipt of complaint in this regard from CW-1, the Arakere police have registered a case against the accused in his Crime No. 220/2017, for the offences punishable U/Sec. 504, 323, 324, 506 of IPC and investigation officer proceeded to the spot, drawn the mahazar, recorded the statements of witnesses and after completion of investigation, the IO has filed charge-sheet before this Court against the accused for the offences punishable U/Sec. 504, 323, 324, 506 of IPC.

4. After submitting the charge-sheet before the court my learned predecessor in office having taken the cognizance for the offences punishable U/Sec. 504, 323, 324, 506 of Indian Penal Code and ordered to register the case as criminal case and issued summons to the accused. Pursuant to the summons issued, the accused appeared before the court through his learned counsel and he obtained the bail on 16.12.2019. During the trial accused is on bail. The 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 sides on the question of charge and having satisfied with the materials placed on record, charge for the offences



punishable U/Sec. 504, 323, 324, 506 of Indian Penal Code is framed and the contents of charge has been read over and explained to the accused in Kannada language known to him. The accused 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 05 witnesses out of 06 witnesses as PW-1 to PW-5 and got marked the documents as per ExP-1 to ExP-5 and closed its side. Further, the CW-1 reported as dead vide order-sheet dated:27.02.2023.

6. The statement of accused 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 in the language known to him. The accused has denied the entire evidence of prosecution witnesses. However he 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-5 read with at ExP-1 to ExP-5 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 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-5 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 is 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 19.11.2017 at 07:00pm, when the CW-1 & CW-2 were in front of the house of CW-1, situated at Kodyala Village, Srirangapatna Tq, within the limits of*



Arakere PS, the accused picked up quarrel with complainant with respect to selling of house of CW-1 and the accused abused the complainant in vulgar words and intentionally insulted her and thereby the accused has committed an offence punishable U/Sec.504 of Indian Penal Code?

2. *Whether the prosecution further proves that, on the aforesaid date, time and place, during the course of same transaction, the accused picked up quarrel with complainant with respect to selling of house of CW-1 and the accused has assaulted to CW-1 with his hands and voluntarily caused simple injuries to CW-1 and thereby the accused has committed an offence punishable under section 323 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 picked up quarrel with complainant with respect to selling of house of CW-1 and the accused has assaulted to CW-1 with plastic pipe and voluntarily caused greivious injuries to CW-1 and thereby the accused has committed an offence punishable under section 324 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 picked up quarrel with complainant with respect to selling of house of CW-1 and the accused gave life threat to the life of complainant with dire consequences to finish her life and thereby the accused*



has committed an offence punishable under section 506 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. 504, 323, 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 19.11.2017 at 07:00pm, when the CW-1 & CW-2 were in front of the house of CW-1, situated at Kodyala Village, Srirangapatna Tq, within the limits of Arakere PS, the accused picked up quarrel with complainant with respect to selling of house of CW-1. Further, the accused abused the complainant in filthy language intending



that such provocation would cause to break the public peace. Further, the accused assaulted the complainant with plastic pipe on her body and voluntarily caused grievous injuries to her and accused assaulted the complainant with his hand and voluntarily caused simple injuries to her. Further, the accused gave life threat to the life of complainant with dire consequences to finish her life. Hence, the informant prayed to take legal action against the accused.

14. In order to bring the guilt of the accused, the prosecution examined the CW-2- Smt.Puttamma W/o Late. Basavegowda as PW-5 and got marked the document as per ExP-1 & ExP-5. PW-5 being the eye witness, spot mahazar witness and material witness has not supported the case of the prosecution and she totally turned hostile. PW-5 specifically deposed that, he does not know the contents of ExP-1 & ExP-5 and she has not shown any spot to the police. Even though PW-5 was subjected to cross examination by learned APP, nothing has been elicited so as to substantiate the case of the prosecution.

15. In order to bring home the guilt against the accused, the prosecution has examined CW-3-Smt.Nagamma w/o Laxman as PW-1 and got marked the documents as per ExP-1. PW-1 being the spot mahazar witness and material witness has not supported the case of the prosecution and she totally turned hostile. PW-1 specifically deposed that, she does not know the contents of ExP-1 and he has not shown any spot to the police. Even though PW-1 was subjected



to cross examination by learned APP, nothing has been elicited so as to substantiate the case of the prosecution.

16. PW-2-Dr: R.Pushparani is the medical officer and she has deposed about the treatment given to the complainant and issuance of wound certificate as per ExP-2.

17.PW-3-C.Nanjundaiah, ASI, Arakere PS and PW-4-Smt. Bhaveetha, PSI, Arakere 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.

18. Admittedly, the CW-1 who is the complainant and injured and victim has not been examined as the CW-1 reported as dead.

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

20. 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 19.11.2017 at 07:00pm. But the complaint/first information has been



lodged on 21.11.2017 at 6:30pm. 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.

21. On perusal of the evidence deposited 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 deposited by aforesaid witnesses, it is pertinent to state here that, the PW-1 to PW-5 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.

22. Upon perusal of the evidence deposited by aforesaid witnesses, it is pertinent to state here that the PW-1 to PW-5 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. 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. 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.504, 323, 324, 506 of Indian Penal Code. Hence I answer points No.1 to 4 in the Negative.

POINT NO.5:

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

ORDER

Accused is found not guilty for the offences punishable U/Sec. 504, 323, 324, 506 of Indian Penal Code.

Acting U/Sec.248 (1) of Cr.P.C., the accused is acquitted from the charges levelled against him for the offence punishable U/Sec. 504, 323, 324, 506 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 plastic pipe as shown in column No.11 of the charge sheet, seized and reported to this Court under P.F.No.140/2017 dated:22.11.2017 and PR No.100/2021 dated: 12.10.2021 being valuable article and is ordered to be confiscated to the Government, 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 24th 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 : Smt. Nagamma W/o Lakshmana,
 PW-2 : Smt. R.Pusparani W/o B.T.Sridhar,
 PW-3 : Sri. C.Nanjundaiah S/o Late Chikkahuchaiah,
 PW-4 : Smt. Bavitha.N.M W/o Mahesh Kumar,
 PW-5 : Smt. Puttamma W/o Basavegowda.

List of documents marked on behalf of the prosecution:

ExP-1	Spot Mahazar dated:21.11.2017
ExP-1(a)	Signature of PW-3 on ExP-1
ExP-1(b)	Signature of PW-5 on ExP-1
ExP-2	Wound certificate of CW-1
ExP-2(a)	Signature of PW-2 on ExP-2
ExP-3	Complaint dated:21.11.2017
ExP-3(a)	Signature of PW-3 on ExP-3
ExP-4	Notice dated:27.11.2017 issued by the PW-4 to the accused Section 41(A) of Cr.P.C
ExP-4(a)	Signature of PW-4 on ExP-4
ExP-5	Statement of PW-5

List of witnesses examined on behalf of the defence:

Nil

List of Documents exhibited for defence:

-Nil-

List of MOs marked on behalf of Defence:

-Nil-

List of MOs marked on behalf of prosecution:

MO No.1 : A plastic pipe

(UMESHA M.P)
 Prl.Civil Judge & J.M.F.C.,
 SRIRANGAPATNA

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