

KAMS010083072023



**IN THE COURT OF THE IV ADDL. DISTRICT &
SESSIONS JUDGE: MYSURU.**

Dated this the 23rd day of March 2026

PRESENT

**Sri P.J.Somashekar, B.A.,LL.M.,
IV ADDL. DISTRICT & SESSIONS JUDGE:
MYSURU.**

SC/282/2023

Complainant:

State by Biligiri
Police Station,
Nanjangudu town circle,
Mysuru District.

[By Public Prosecutor]

V/s

Accused Persons:

1. Sri Nagaraju S/o
Mahadevanayaka,
Aged about 40 years,
Residing at :
Hosakote village,
Nanjangudu taluk,
Mysuru district.

(By Sri. A.K.V-Adv.,)

Date of occurrence of offence:	14.03.2023
Date of report of offence	15.03.2023
Evidence commenced on	17.03.2026
Evidence closed on	17.03.2026
Name of the complainant	Sri.Mahadevanayaka
offence punishable	U/sec. 504, 307 and 329 of IPC.
Judgment	As per final order

::J U D G M E N T::

The PSI Biligiri police station has charge-sheeted against the accused on the ground that he has committed the offences punishable U/sec. 504, 307 and 329 of IPC.

2. **The Nutshell of the prosecution case are as under:**

The complainant namely Mahadevanayaka S/o Late Ankanayaka, aged about 57 years, resident of Hosakote

village Nanjangudu taluk, stating that he is residing in the above said address, having 3 children namely Nagaraju, Sundramma and Mahesh and his eldest Son Nagaraju is residing separately along with his wife and children, himself and his wife are residing in a shed situated near by Ramamandira temple Hosakote village by doing collie work and his eldest son Nagaraj every day used to took up the quarrel with him to give 16 guntas property and assaulted him. On 14.03.2023 when he was in front of his shed Nagaraju was came in a drunken status and abused in filthy words and demanding him to give 16 guntas land other wise he will taken away his life thereby he has informed him that now your in the drunken status let us discuss following day for which he has assaulted by means of machete on his back portion as a result he has sustained the injury and fallen down again he has assaulted on his right leg and blood was oozing and he was shouting, on hearing

the shouting Devamma W/o Nanjundanayaka and Chinnaswamy were rescued him from his clutches and the incident was occurred at 4.00 p.m, and took him to K.R.Hospital and took the treatment and his eldest son has assaulted by abusing in filthy language by demanding the property. So based on the said complaint case was came to be registered by the Biligere police in their police station crime No.54/2023 for the offences punishable under Section 307 and 504 of IPC and arrested the accused and produced before the court he has been remanded judicial custody and thereafter released on bail. The PSI Biligere Police Station has visited the spot and drawn the panchanama in the presence of the panchas and seized the material object which was used for the commission of offence and seized blood stained cloth of the injured in the presence of the panchas and recorded the statement of the witnesses and also recorded the statement under

Section 164 of Cr.P.C by producing the witnesses before the II Addl. Civil Judge and JMFC., at Nanjangudu and received the medical records and other documents and after completion of the investigation has submitted the chargesheet against the accused for the above said offences.

3. The PSI Biligere Police Station has submitted the charge-sheet before the Senior Civil Judge and JMFC at Nanjangudu and the said court taken the cognizance and committed the case to this court and after receipt of the entire records summons has been issued to the accused in response of the summons the accused has been appeared through his counsel and released on bail, prosecution papers supplied to him in view of Section 208 of Cr.P.C., charge under Section 228 of Cr.P.C was read over and explained in the language known by the accused, he was pleaded not guilty and claims to be tried, thereby witness summons was ordered to be

issued to the witnesses who are cited in the charge sheet.

4. In response of the witness summons, the prosecution witnesses are present, the learned Public Prosecutor examined them as PW1 and 2 and got marked the documents as EX.P.1 to P5 and M.O.1 to 7 the learned Public Prosecutor prays for re issue summons to CW2 and 4 to 6 and summons to CW7 to 26, though examined the CW1 as PW1 who is none other than the informant and injured has turned hostile and CW3 has been examined as PW2 who is the eye witness as per the prosecution case has turned hostile, thus even if summons issued as prayed by the Public Prosecutor no purpose would be served, therefore the learned Public Prosecutor prayer was rejected and CW2 and 4 to 26 are dropped. The PW1 and 2 are turned hostile thus accused statement under Section 313 of Cr.P.C is dispensed with.

5. Heard the arguments on both side.
6. The Points that arise for Court consideration

are as under:

1. Whether the prosecution proves beyond all reasonable doubt that on 14.03.2023 at 4.p.m., the accused demanding the complainant to transfer the property bearing re-sy.No.308 measuring 16 guntas in his name for which denied the same, when the complainant standing in front of his house the accused came and abused in filthy language thereby committed the offence punishable under Section 504 of IPC?
2. Whether the prosecution proves beyond all reasonable doubt in the the above said date, time and place the accused demanding the complainant to transfer the khatha in his name when he was in a drunken status, thereby the complainant has

advised him for which assaulted by means of machete with an intention to kill the complainant on his back portion and right leg, thereby committed the offence punishable under Section 307 of IPC?

3. Whether the prosecution proves beyond all reasonable doubt on the above said date, time and place, the accused when he was in a drunken status demanding the complainant to transfer the khatha and assaulted by means of machete as a result blood was oozing, thereby committed the offence punishable under Section 329 of IPC?
4. What order ?
7. My answer to the above points are as under:

Point No.1 : In the **Negative**.

Point No.2 : In the **Negative**.

Point No.3 : In the **Negative**.

Point No.4 : As per the final order
for the following:

::REASONS::

8. **POINT NO.1 to 3** :- These points are inter-related to each other, hence in order to avoid the repetition of facts and materials on record these points are discussed together. It is the specific case of the prosecution that on 14.03.2023 at 4.00 p.m., when the complainant was standing in front of his shed the accused came to the said spot and demanding to transfer the khatha of the land bearing re-sy.No.308 measuring 16 guntas of Hosakote village in his name when he was in the drunken status though complainant advised him but he has abused in filthy words and assaulted by means of machete with an intention to kill the complainant as a result the blood was oozing thereby case was came to be registered against the accused who faced the trial.

9. The learned Counsel for the accused in his arguments has submitted that the accused has not committed the offences which alleged against him that

is the reason why PW1 being the father of the accused in the evidence no where stated against the accused as he has turned hostile and PW2 who is none other than the close relative of the complainant and the accused and the eye witness he has turned hostile if at all incident was taken place as alleged by the prosecution the PW1 and 2 would have stated as per the prosecution case but they have turned hostile and prays for acquit the accused.

10. Per contra, the learned Public Prosecutor in her arguments has submitted that the material placed on record are taken into consideration it is clear the accused being the son of the complainant has took up the quarrel on the ground of non transfer of land in the name of the accused which is evident from the records merely on the ground that the PW1 and 2 are turn hostile it does not mean that the prosecution has not been proved the guilt of the accused and prays for

convict the accused.

11. The learned Public Prosecutor in order to bring home the guilt of the accused has examined the PW1 on whose information the case was came to be registered against the accused in his evidence has stated that the accused is none other than his son having 3 children namely Nagaraj, Mahadesh @ Mahesh and Sundramma and the accused is already married residing separately and he has not taken up any quarrel with him in connection of transferring of property or abused in filthy words nor assaulted by means of machete and he was fallen and sustained injury because of that reason has took the treatment and he has not filed any complaint against the accused and police have not recorded his statement and he has not stated anything before the magistrate thus the learned Public Prosecutor with the permission of the court has cross-examined him by treating him as hostile witness in his cross-examination

also he has denied that on 14.03.2023 at 4.00 p.m., when he was standing in front of his house the accused was came to the said spot and demanding to transfer the land bearing re-sy.No.308 measuring 16 guntas of Hosakote village in his name when he was in a drunken status and abused in filthy words and assaulted by means of machete on his back portion and right leg as a result he has sustained injuries and police have recorded his statement and re-statement as per Ex.P.2 and P3. Thereby the doubt arises in the mind of the court whether the incident was occurred as alleged by the prosecution. If at all the incident was occurred as alleged by the prosecution the PW1 being the injured and the informant would have stated as per Ex.P.1 to P3 but he has turned hostile. Therefore his evidence will not help the prosecution to prove the guilt of the accused.

12. The learned Public Prosecutor has examined the PW2 who is none other than the close relative of the

complainant and the accused and the eye witness in his chief-examination itself has stated that he know the PW1 and the accused and he was not the witness to the alleged incident and the accused has not abused the complainant in filthy words nor assaulted by means of machete and the police have not recorded his statement and he has not given the statement before the magistrate thereby the learned Public Prosecutor with the permission of the court has cross-examined him by treating him as hostile witness in his cross-examination also he has denied the accused demanding the PW1 to transfer the land bearing re-Sy.No.308 measuring 16 guntas of Hosakote village in his name in connection of the said dispute has assaulted the PW1 by means of machete on his back portion and right leg by abusing in filthy words and PW1 has sustained the injuries and he took him to the hospital and given the statement as per Ex.P.5. Thereby the doubt arises in the mind of the court

whether the PW2 was the witness to the incident if at all PW2 was present when the alleged incident was taken place he would have stated as per his statement said to have been recorded by the Investigating Officer but he has turned hostile thereby his evidence will not help the prosecution to prove the guilt of the accused. Though the prosecution examined in all 2 witnesses to prove the guilt of the accused but looking from any angle the prosecution has not proved the guilt of the accused beyond all reasonable doubt. Hence, I am of the opinion that the point Nos.1 to 3 are answered in the **Negative**.

13. **Point No.4** :-In view of my answer to the Point Nos.1 to 3 as stated supra, I proceed to pass the following:

ORDER

Acting U/sec.235(1) of Cr.P.C.,
the Accused is hereby **Acquitted** for
the offences punishable U/sec. 504,
307 and 329 of IPC.

The Bail bond of the Accused and that of his surety stands cancelled.

The MO-1 being machete is being worth property ordered to be confiscated to the state after appeal period is over.

The MO-2 to 7 are being worthless ordered to be destroyed after appeal period is over.

(Dictated to the Stenographer-III, transcribed by her, then corrected and then pronounced by me on this the **23rd day of March 2026**).

(P.J. SOMASHEKHAR)
IV Addl. District & Sessions
Judge, Mysuru.

:ANNEXURE:

Witnesses examined for the Prosecution:-

PW.1 : Sri.Mahadevanayaka
PW.2 : Sri.Chinnaswamy

Documents marked for Prosecution:-

Ex.P1 : Complaint
Ex.P2 : Statement of PW1
Ex.P3 : Re-statement PW1

Ex.P4 : 164 statement of PW2
Ex.P4(a) & (b) : Signature of PW.2
Ex.P5 : Statement of PW2

Witness/s examined for Accused/defence:

- **NIL** -

Documents marked for Accused/defence:

- **NIL** -

M.Os., marked for Prosecution:

M.O.1 : Machete
M.O.2 : White color Panche
M.O.3 : Towel
M.O.4 : Blue color banien
M.O.5 : Ready-maid shirt
M.O.6 : Blood mixed Concrete
M.O.7 : Blood mixed concrete soil

**IV Addl. District and Sessions Judge,
Mysuru.**