

KAMS300013592024



**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL JUDGE
AND JMFC AT HUNSUR**

Present: Smt.Anitha, B.A. (Law) L.L.B.,
Prl.Senior Civil Judge & JMFC.,
Hunsur.

Dated this the 24th day of June, 2026.

CC No.723/2024

Complainant: State by Hunsur Town Police
Station.

(By: APP, Hunsur)

-Vs-

Accused: Kavitha, W/o Mahadeva,
Aged 45 years, Housewife,
R/at Sundavalu village,
Periyapattana Taluk,
Mysuru District.

(By: Sri.Shreekanth.K., Advocate)

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|-----------------------------------|---------------------------------|
| 1. Date of commission of offence: | 04.03.2024 |
| 2. Date of report of offence: | 04.03.2024 |
| 3. Name of the complainant: | Shivashankar |
| 4. Date of recording of evidence: | 18.11.2025 |
| 5. Date of closing of evidence: | 12.05.2026 |
| 6. Offences complained of: | Section 504, 324 and 506 of IPC |
| 7. Opinion of the Judge: | Accused found not guilty. |

JUDGMENT

The ASI of Hunsur Town Police Station has submitted the charge-sheet against the accused for the offences punishable under Section 504, 324 and 506 of IPC.

2. It is the case of the prosecution that, on 04.03.2024 at about 2.00 p.m when CW1 Shivashankar was sleeping in his house situated at Javaregowda Street of Kalkunike Village due to ill-health, the accused came to his house and abused him in filthy language in order to annoy the public peace in connection with property dispute. It is the further case of the prosecution that, the accused took walking stick of her mother-in-law and assaulted CW1 on his scalp, right shoulder, hand and caused simple injury and the accused also gave life threat to CW1 and thereby the accused has committed the aforesaid offences.

3. After the incident CW1 was admitted in Government Hospital Hunsur and while he was in the hospital CW7 Kumar the then Head Constable of Hunsur Town Police Station has received MLC intimation and he has visited the hospital and recorded the statement of CW1 in the hospital. After recording statement of CW1, CW7 registered the case in Crime No.64/2024 and submitted the FIR. Thereafter, he has issued notice to the mahazar witnesses and proceeded towards the place of the incident and drawn the mahazar in the presence of CW4 and CW5. He has seized one wooden club at

the time of mahazar. He has recorded the statement of the witnesses and submitted requisition to the hospital to furnish wound certificate of the injured. Thereafter, CW8 Nanja the then ASI of HTPS has taken up further investigation issued notice to the accused and received duty certificate of husband of the accused, received the wound certificate, released the accused on bail and upon completion of the investigation he has submitted the charge-sheet against the accused for the aforesaid offences.

4. After filing of the charge-sheet the court took cognizance for the aforesaid offences and issued summons to the accused. In pursuance of service of summons the accused appeared before the court and released on bail. The copy of charge-sheet and other prosecution papers has been supplied to the accused as provided under Section 207 of Cr.P.C.

5. Thereafter, heard both side and upon finding prima-facie materials framed charge for the offences punishable under Section 504, 324 and 506 of IPC. The accused pleaded not guilty and claimed to be tried. In order to prove the guilt of the accused, the prosecution got examined totally seven witnesses out of eight witnesses cited in the charge-sheet as PW1 to PW7. The prosecution has given up CW4. Further, the prosecution got marked totally eight documents as per Ex.P1 to Ex.P8 and the material object has been got marked as per MO.1. After completion of the

prosecution evidence the accused has been examined under Section 313 of Cr.P.C. She has denied all the incriminating circumstances appeared against her in the prosecution evidence and has not opted to lead defence evidence.

6. Thereafter, heard arguments addressed by learned APP and learned counsel for the accused and perused the case papers. After hearing the arguments and on perusal of the case papers, the points that arise for consideration are as hereunder:

POINTS

1. Whether the prosecution proves beyond all reasonable doubt that, on 04.03.2024 at about 2.00 p.m. while CW1 Shivashankara was sleeping in his house due to ill-health in the house situated at Javaregowda Street of Kalkunike Village, the accused came to his house and abused him in filthy language in order to annoy the public peace and thereby the accused has committed the offence punishable under Section 504 of IPC?
2. Whether the prosecution further proves beyond all reasonable doubt that, on the above said date, time and place the accused assaulted CW1 with a club on his scalp, right shoulder, hand, caused simple injuries to him and thereby the accused has committed the offence punishable under Section 324 of IPC?
3. Whether the prosecution further proves beyond all reasonable doubt that, on the above said date, time and place the accused

gave life threat to CW1 and thereby the accused has committed offence punishable under Section 506 of IPC?

4. What order?

7. The findings on the above points are as hereunder:

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** : Since these points are interconnected with each other, needs common discussion on the same set of facts and in order to avoid repetition of facts, these points are taken up together for discussion.

9. It is the case of the prosecution that, on 04.03.2024 CW1 Shivashankar was sleeping in his house due to ill-health, the accused came to his house and abused him in filthy language in order to annoy the public peace, assaulted him with a club and gave life threat to him. In order to bring home the guilt of the accused the prosecution examined CW1 Shivashankar as PW1. He is the complainant as well as injured in this case. In the chief-examination he has deposed that, on 04.03.2024 at about 2.00 p.m. while he was sleeping in the house due to ill-health, his brother S.Mahadeva came to his house by abusing him in connection with property and tried to assault him and while he tried to escape, the accused,

her son Jithendra and her daughter Priya have hold him and given instruction to their father to assault him. As per this evidence the accused alone not came to his house on the date of the incident, but the husband of the accused as well as her children were also accompanied her. As per the aforesaid evidence all the four persons including the accused have participated in the offence. PW1 further deposed that, his brother S.Mahadeva assaulted him with a walking stick of his mother on his head due to which he sustained blood injuries. This evidence from the mouth of PW1 clearly shows that, the accused has not assaulted him. It is his further evidence that, CW2 and CW3 have tried to pacify the quarrel and he has specifically deposed that, his brother, the accused and her children assaulted him with hands. But the assault with hands is not at all forthcoming in the entire charge-sheet materials. PW1 further deposed about life threat given to him by the accused and her family members. PW1 further deposed that, he went to the hospital on the same day and the police have recorded his statement which came to be marked as per Ex.P1 and his signature came to marked as per Ex.P1(a). He has identified the club as per MO.1 and also identified the accused and further deposed that, the accused was only holding him and her husband has assaulted him. This evidence also clearly establishes that, the accused has not at all assaulted him.

10. In the cross-examination PW1 has deposed that, his father's name is Sannathammaiah, his mother is Siddamma who have got four daughters and two children. He has deposed that, his brother was not residing with them and there are properties which have not been partitioned. He has denied the suggestion that, on 04.03.2024 the accused and his sister came to his house to talk about the property. He has also denied the suggestion that, he has falsely created the Will of his mother. He has further admitted the suggestion that, CW5 is very close to him and denied that he has made lose talks against his brother's daughter. He has denied the suggestion that, CC No.720/2024 has been registered against him. It is his further evidence that, he has given blood stained cloths to the police and denied the suggestion that, in order to escape from the case registered against him, he has lodged false complaint.

11. One of the eyewitness as well as mahazar witness in this case is CW2 Vasantha who has been examined as PW2. In the chief-examination she has deposed that, CW1 is her husband, CW3 is her daughter and she knows CW4 and CW5. She has identified her signature in the mahazar which came to be marked as per Ex.P2 and her signature came to be marked as per Ex.P2(a). In the further chief-examination she has deposed that, on 04.03.2024 at about 2.00 p.m. when her husband was sleeping in the house due to ill-health, the

accused, S.Mahadeva, Jithendra and Priya came to their house and started talking about site and land and at that time the accused and her family members started quarrel with her husband and S.Mahadeva and his son Jithendra have assaulted her husband on the head with walking stick and also assaulted on his other parts of the body. As per the evidence of PW1 the assault was done by his brother Mahadeva whereas PW2 gone to the extent of saying that, the son of accused was also present along with her husband. The evidence of PW1 and PW2 on the same fact are contrary to each other and does not corroborate with each other and it leads to contradiction regarding the material fact.

12. PW2 further deposed that, her husband sustained blood injury on his head and herself and her children have taken her husband to Hunsur Government Hospital. She has further deposed that, the accused persons have given life threat to her husband and she has given statement before the police and on 06.03.2024 the police have come to the spot and drawn the mahazar in the presence of herself, CW4 and CW5. She has identified MO.1. This witness has not been cross-examined by the learned counsel for the accused. It is necessary to note that, the wound certificate came to be marked as per Ex.P3 and as per this document PW1 sustained injuries over frontal area of scalp. Neither PW1 nor PW2 have deposed about the exact place where PW1 sustained injury.

Though PW2 has not been cross-examined by the defence counsel, her evidence is not corroborative with the evidence of PW1.

13. The prosecution also examined one of the eyewitness to the alleged accident who is CW3 Thejaswini.H.S., as PW3. In the chief-examination she has deposed that, on 04.03.2024 at about 2.00 p.m. when her father was sleeping in the house due to ill-health, the accused, Jithendra and Priya came to their house and called CW1 out side the house and started quarrel with regard to property dispute and the accused and other persons have assaulted her father with a walking stick of her grand-mother on his head due to which he sustained blood injuries. He has taken to the Hunsur Government hospital in a Auto and at that time the accused has given life threat to her father. She has further deposed that, the accused has assaulted with a club and identified the same. This witness has also not been cross-examined by learned counsel for the accused. It is very important to note that, as per the evidence of PW1, the accused, her husband and her children came to his house. PW2 also deposed the same fact, but PW3 who is eyewitness deposed that, the accused and her two children came to their house. In the evidence of PW3, the presence of husband of the accused is absent. As such the evidence of PW1 to PW3 not corroborative with each other and it leads to contradiction.

14. One more mahazar witness in this case is CW5 Ravi Nandan who has been examined as PW4. In the chief-examination PW4 deposed that, on 06.03.2023 the police have drawn the mahazar in the presence of himself and CW2 and place of the incident was shown by CW2. At the time of mahazar the police have seized MO.1 club and he has identified his signature in the mahazar which came to be marked as per Ex.P2(b). In the cross-examination he has deposed that, he came to know about incident from her relative and she has admitted the suggestion that, she does not know any contents in the mahazar and denied that, she put the signature in the police station. This evidence from the mouth of PW4 created doubts in the mind of the court about his presence at the time of drawing mahazar.

15. The prosecution also got examined CW6 Dr.T.Gurumallappa as PW5. In the chief-examination PW5 deposed that, on 04.03.2024 at about 3.00 p.m. CW1 appeared before him with the history of assault and he found lacerated wound over frontal area of scalp on right side measuring 4 x 0.5 cm bleeding and pain in lower left arm and he has deposed that, CW1 taken treatment as inpatient in their hospital from 04.03.2024 to 07.03.2024 and thereafter he has referred to him to the surgeon. He has also deposed that, he has referred CW1 to KRS hospital, Mysuru, but CW1 failed to take any city scan. In the further chief-examination he

has deposed that, the injury sustained to CW1 is simple in nature and he has issued wound certificate which came to be marked as per Ex.P3 and his signature came to be marked as per Ex.P3(a). In the cross-examination he has denied the suggestion that, the injuries have been caused due to self fall and also admitted the suggestion that, CW1 not sustained any grievous injuries. It is very important to note that, as per the evidence of PW5 and as per Ex.Pk3 wound certificate, PW1 taken treatment as inpatient for four days. The injury admittedly is simple in nature and there is explanation from PW1 or PW5 about the fact that, what made PW1 to admit in the hospital for four days. This also created doubts in the mind of the court about the alleged incident.

16. The entire investigation in this case has been conducted by CW8 Nanja., the then ASI of HTPS and prosecution examined him as PW6. In the chief-examination he has deposed that, on 04.03.2024 he has issued notice to the accused which came to be marked as per Ex.P4 and his signature came to be marked as per Ex.P4(a). He has also deposed that, on 17.04.2024 he has submitted the requisition to the duty certificate of Mahadeva. On 03.05.2024 Mahadeva produced the duty certificate which shows that, he was on duty on the said date. On 27.05.2024 he has received the Ex.P3 wound certificate and his signature came to be marked as per Ex.P3(b). Thereafter, he has recorded the statement of

witnesses and upon completion of the investigation he has submitted the charge-sheet against the accused. In the cross-examination PW6 has denied the suggestion that, there is no investigation conducted by him.

17. One more IO in this case is CW7 Kumar who has been examined as PW7. In the chief-examination PW7 deposed that, on 04.03.2024 at about 5.00 p.m. he received a memo from Hunsur Government Hospital and visited the hospital and recorded the statement of CW1 from 5.00 to 5.45 p.m. and after returning to the police station he has registered the case on the basis of the said statement and submitted the FIR as per Ex.P5. His signatures in the statement and the FIR came to be marked as per Ex.P1(b) and Ex.P5(a). On 06.03.2024 he has issued notice to CW2 and CW5 and in their presence he has drawn mahazar. He has further deposed that, he has issued notice to the mahazar witnesses as per Ex.P6 and Ex.P7 and his signatures have been got marked as per Ex.P6(a) and Ex.P7(a). He has seized MO.1 wooden club. He has identified his signature in the mahazar which came to be marked as per Ex.P2(c). He has recorded the further statement of CW1 and statement of CW2. He has also deposed that, he has issued requisition to the hospital to furnish the wound certificate. The said requisition came to be marked as per Ex.P8 and identified his signature as per Ex.P8(a) and also identified MO.1. In the cross-examination he has deposed that,

himself has written the complaint and CW1 was admitted as inpatient and there is bandage on his head. He has also deposed that, he has recorded the further statement of CW1 in the hospital itself and denied the other suggestion regarding his part of investigation.

18. Ex.P1 complaint came to be marked through PW1. As per the complaint averments the incident has taken place on 04.03.2024. In the opening words of Ex.P1 complaint it is mentioned that, his brother S.Mahadeva came to his house and abused him in filthy language and tried to assault him. As per the later portion of Ex.P1 complaint, the wife and children of his brother Mahadeva were also came and Ex.P1 clearly narrates that, his brother Mahadeva assaulted him with a walking stick. Now it is necessary to look into the PF submitted by IO wherein the description of the property seized is mentioned as ಒಂದು ಬಿದಿರು ದೊಣ್ಣೆ. in this regard it is very much necessary to look into Ex.P2 spot mahazar. In this document also there is mention about ಬಿದಿರು ದೊಣ್ಣೆ. whereas it is the evidence of PW1 that, his brother Mahadeva assaulted him with walking stick. As such there is ambiguity about the alleged weapon used for the offence.

19. As already stated above PW1 specifically deposed that, the accused not at all assaulted him. It is his evidence that, his elder brother S.Mahadeva has assaulted him. Even PW2 who is the wife of PW1 deposed that, accused, her

children Jithendra and Priya have assaulted her husband. PW3 one of the eyewitness specifically deposed that, the accused, her children came there and assaulted her father. The evidence of PW1 to PW3 is contrary to each other which leads to contradiction. Furthermore all the witnesses in this case are family members and there are no independent witnesses examined by the prosecution. It is an admitted fact that there is counter case against PW1 and it is also an admitted fact that, there is civil dispute between accused as well as PW1. On the basis of above discussion that, this court comes to the conclusion that the prosecution has failed to prove the guilt of the accused beyond all reasonable doubt. Accordingly, Point No.1 to 3 are answered in the Negative.

20. **Point No.4:** In view of the reasons discussed above this court proceeds to pass the following:

ORDER

Acting under Section 248(1) of Cr.P.C the accused is hereby acquitted for the offences punishable under Section 504, 324 and 506 of IPC.

The bail bond and surety bond of the accused and her surety shall stand cancelled.

The bond executed by the accused and her surety under Section 437(A) of Cr.P.C shall be in force for a period of six months.

(Dictated to the Stenographer, transcribed and computerized by her on the computer, transcript corrected and pronounced by me in the open court on this the 24th day of June, 2026.)

Sd/-

(Anitha)

Prl.Senior Civil Judge and JMFC.,
Hunsur.

ANNEXURE

List of witnesses examined on behalf of the prosecution:

PW1	:	Shivashankar
PW2	:	Vasantha
PW3	:	Tejeshwini
PW4	:	Ravinandan
PW5	:	Dr.Gurumalappa
PW6	:	Kumara
PW7	:	Nanja

List of documents marked on behalf of the prosecution:

Ex.P1	:	Complaint
Ex.P1(a)	:	Signature of PW1
Ex.P2(a)	:	Signature of PW7
Ex.P2	:	Mahazar
Ex.P2(a)	:	Signature of PW2
Ex.P2(b)	:	Signature of PW4
Ex.P2(c)	:	Signature of PW7
Ex.P3	:	Wound certificate
Ex.P3(a)	:	Signature of PW5
Ex.P3(b)	:	Signature of PW6
Ex.P4	:	Notice
Ex.P4(a)	:	Signature of PW6

Ex.P5 : FIR
Ex.P5(a) : Signature of PW7
Ex.P6 & 7 : Notices
Ex.P6(a) & P7(a) : Signatures of PW7
Ex.P8 : Requisition
Ex.P8(a) : Signature of PW7

Witnesses examined on behalf of the accused: Nil

Documents marked on behalf of the accused: Nil

Material objects marked on behalf of the prosecution: Nil

Material objects marked on behalf of the accused:

MO.1 : Wooden Club

Sd/-
(Anitha)
Prl.Senior Civil Judge and JMFC.,
Hunsur.