

KAMS310013602019



**IN THE COURT OF I ADDL. CIVIL JUDGE & JMFC,
HUNSUR**

-:PRESENT:-

**SMT. NAMRATA S HOSMATH, B.A., LL.B.,
I ADDL. CIVIL JUDGE & JMFC,
HUNSUR.**

DATED THIS THE 15TH DAY OF APRIL, 2026

C.C. No.194/2019

COMPLAINANT: State by Bilikere Police Station,
Bilikere, Hunsur Taluk,
Mysuru District.

(By Asst. Public Prosecutor)

// Versus //

**ACCUSED
PERSONS:**

1. **H.S. Pradeepa**
S/o Shivanna,
Aged about 24 years,
R/at Hagarannahalli Village,
Hunsur Taluk,
Mysuru District.
2. **Puttalakkaiah (Abated)**
S/o Late. Lakkaiah,
Aged about 65 years,
R/at Hagarannahalli Village,
Hunsur Taluk.
3. **Bori Chaluvaiah**
S/o Late. Lakkaiah,

Aged about 50 years,
R/at Hagaranahalli Village,
Hunsur Taluk.

4. **Ramakrishna**
S/o Late. Marahattaiah,
Aged about 48 years,
R/at Hagaranahalli Village,
Hunsur Taluk.
5. **Marahattaiah**
S/o Late. Marahattaiah,
Aged about 45 years,
R/at Hagaranahalli Village,
Hunsur Taluk.

(By Sri. S.K.S., Adv.)

Date of commission of offence : 23.05.2013
Date of report of offence : 23.05.2013
Name of the complainant : Y.P. Narayana Swamy
Date of recording evidence : 18.02.2026
Date of closing evidence : 18.02.2026
Date of Judgment : 07.04.2026
Offences complained of : Under Sec.341, 504, 506 R/w 34
of IPC.
Opinion of the Judge : Accused persons found not
guilty.

(Namrata S Hosmath)
I Addl.Civil Judge & JMFC.,
Hunsur.

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

The Police Sub Inspector of Bilikere Police Station has submitted the charge sheet against the accused No.1 to 5 for the offences punishable under Sec.341, 504, 506 R/w 34 of IPC.

2. The brief version of the prosecution case as unfolded during the trial as hereunder;

It is the case of the prosecution that, on 23.05.2013 at 10.30 a.m., within the jurisdiction of Bilikere Police Station, in Hagarahalli Village the accused persons in furtherance of their common intention the accused persons obstructed CW.1 and CW.2 and abused in filthy language as ಬೋಳಿ ಮಕ್ಕಳಾ, ಸೂಳೆ ಮಕ್ಕಳಾ. Then the accused persons gave life threat to CW.1 and CW.2 and thereby committed offences punishable under Sec. 341, 504, 506 R/w 34 of IPC

3. The informant CW-1 has set the law into motion by filing first information statement before the concerned SHO of Bilikere Police Station on 23.05.2013 at 12.15 p.m. Upon which Cr.No.141/2013 was registered. After registering the case, CW-7 took up investigation of the case and visited spot of the offence on 24.05.2013 and drew spot mahazar in the presence of two panch witnesses and recorded the

statement of the witnesses and after completion of the investigation, CW-8 has submitted the charge-sheet against the accused person for the offences punishable under Sec.341, 504, 506 R/w 34 of IPC.

4. As there were sufficient materials in the charge-sheet to proceed against the accused No.1 to 5, cognizance for the offences punishable under Sec.341, 504, 506 of IPC was taken. Accused No.1 to 5 have appeared before the court and were enlarged on bail. They were supplied with the prosecution papers in compliance with the mandatory requirements as envisaged under Sec.207 of Cr.P.C.

5. Since no grounds were made out to discharge the accused No.1 to 5 before framing of charge and prima-facie case being made out the charge against accused No.1 to 5 for the offences punishable under Sec. 341, 504, 506 R/w 34 of IPC was framed. Same was read over and explained to the accused No.1 to 5 in the vernacular language known to them, for which the accused person pleaded not guilty and claimed to be tried. Then the case was set down for prosecution evidence.

It is to be noted that, during the pendency of the case the accused No.2 reported to be dead as such the case was abated against the accused No.2.

6. To prove the guilt of the accused No.1, 3 to 5 the prosecution got examined one witness as PW-1 and got marked Ex.P-1 and Ex.P-2. Ex.P-1 is the complaint, Ex.P-1(a) is the signature of PW-1. Ex.P-1 is the Mahazar, Ex.P-2(a) is the signature of PW-1.

7. As there were no incriminating circumstances appearing against the accused No.1, 3 to 5, the statement of accused persons as required under Sec.313 of Cr.P.C. was dispensed with.

8. Heard the arguments canvassed by the learned APP appearing for the State and learned counsel appearing on behalf of the accused No.1, 3 to 5 and perused the materials available on record.

9. Having gone through the facts and circumstances of the prosecution case, the points that would arise for consideration of this court are as follows;

POINTS FOR CONSIDERATION

- 1. Whether the prosecution proves beyond reasonable doubt that on 23.05.2013 at 10.30 a.m., within the jurisdiction of Bilikere Police Station, in Hagarahalli Village, the accused persons in furtherance**

of their common intention, restrained CW.1 and CW.2 from proceeding in any direction in which CW-1 and CW-2 had right to proceed and thereby committed an offence punishable under Sec.341 R/w 34 of IPC?

- 2. Whether the prosecution proves beyond reasonable doubt that on the above said date, time and place, the accused persons in furtherance of their common intention abused CW.1 and CW.2 in filthy language as ಬೋಳಿ ಮಕ್ಕಳಾ, ಸೂಳೆ ಮಕ್ಕಳಾ with an intention to provoke breach of peace or to commit an offence and thereby committed an offence punishable under Sec.504 R/w of IPC?**
- 3. Whether the prosecution proves beyond reasonable doubt that on the above said date, time and place, the accused persons in furtherance of their common intention, the accused persons gave life threat to CW-1 and CW-2 and thereby committed an offence punishable under Sec.506 R/w Sec.34 of IPC?**
- 4. What order?**

10. On appreciation of both oral and documentary evidence placed on record, and having heard the arguments canvassed by the learned counsel appearing for the accused persons and the learned APP, the findings of this court on the above points are as follows;

Point No.1 : In the Negative
Point No.2 : In the Negative
Point No.3 : In the Negative
Point No.4 : As per final order
for the following;

:: R E A S O N S ::

11. **Point Nos.1 to 3:** These points are taken up together for common discussion as they are inter-related to each other and to avoid repetition of facts for the sake of convenience and brevity.

12. CW-1 is examined as PW-1 by name Y.P. Narayanaswamy, who is a complainant and victim. He has deposed that, there was a verbal exchange of words regarding which he had given oral information before police, at that time police had obtained his signatures on two writings. He has identified the complaint which is marked as Ex.P-1, his signature as Ex.P1(a) and mahazar as Ex.P2, his signature as Exp2(a). He has further deposed that, he

does not know the contents written in Ex.P1 and Ex.P2.

13. The prosecution treated PW-1 as hostile and cross-examined by suggesting about the case of the prosecution, except denial nothing has been elicited to prove the case of the prosecution. He has further deposed that, he and the accused persons have compromised the matter.

14. The informant witness of the crime i.e., PW-1 being the main, material and star witness of the prosecution who should have deposed as per the projection made by the prosecution. But he has not supported his own case. When material witness has turned hostile to the case of the prosecution denying its entire version, substratum of the case of the prosecution is shaken. In view of the evidence of PW-1, there is no evidence on record to show that the accused No.1, 3 to 5 have committed offences punishable under Sec. 341, 504, 506 R/w 34 of IPC.

15. This court is of the opinion that if other witnesses were examined by the prosecution and even if they support the prosecution case that would not be helpful as PW-1, he himself did not support the case of the prosecution. This court has dispensed with the

examination of other witnesses, which could be only formal in nature. Hence, prosecution evidence is taken as closed. Therefore, the prayer of learned APP to examine other witnesses is rejected and CW-2 to CW-8 were dropped.

16. It is for the prosecution to prove the ingredients of the offences alleged against the accused No.1, 3 to 5 beyond reasonable doubt by leading cogent evidence. In the instant case leave it behind the ingredients of the offences the prosecution has failed to prove occurrence of the incident itself. On overall assessment of the oral evidence, adduced on behalf of the prosecution it reveals that the prosecution has miserably failed to prove the offences as alleged against the accused No.1, 3 to 5 beyond reasonable doubt. Hence, as per the well settled principle of law, whenever doubt arises in the mind of the court, the benefit of doubt should be given in favour of the accused No.1, 3 to 5. Thus, the accused No.1, 3 to 5 are entitled for the benefit of acquittal as nothing on record inspires this court to bring home the guilt of the accused No.1, 3 to 5. Accordingly, this court answers **Point No.1 to 3 in the Negative.**

17. **Point No.4:-** In view of the discussion made and conclusion arrived at Point Nos.1 to 3, this court proceeds to pass the following;

ORDER

In exercise of powers conferred under Section 248 (1) of Cr.P.C, the Accused No.1, 3 to 5 are hereby acquitted for the offences punishable Under Section 341, 504, 506 R/w 34 of IPC.

Accused persons shall be set at liberty forthwith.

The bail bonds executed by the Accused persons and their surety shall remain in force till the expiry of appeal period as per Sec.437-A of Cr.P.C.

(Dictated to the Stenographer Grade-III, transcribed & computerized by her, transcript revised, corrected, signed and then pronounced by me in the open Court on this the 15th day of April, 2026)

**(NAMRATA S HOSMATH)
I Addl. Civil Judge & JMFC.,
Hunsur.**

ANNEXURE**Witnesses examined for the prosecution:**

PW-1 : Y.P. Narayanaswamy

Documents exhibited for the prosecution:

Ex.P-1 : Complaint

Ex.P-1(a) : Signature of PW-1

Ex.P-2 : Mahazar

Ex.P-2(a) : Signature of PW-1

Witnesses examined for the Accused persons:

- Nil -

Documents exhibited for the Accused persons:

- Nil -

Material Objects marked for the prosecution:

- Nil -

Material Objects marked for the Accused persons:

- Nil -

(NAMRATA S HOSMATH)
I Addl. Civil Judge & JMFC.,
Hunsur.