

KAMS310016032023



**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 08<sup>TH</sup> DAY OF MAY, 2026**

**C.C. No.501/2023**

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

**(By Asst. Public Prosecutor)**

**// Versus //**

**ACCUSED  
PERSONS :**

- 1. Harisha R R**  
S/o Rajashetty,  
Aged about 35 years,  
R/at Rampattana Village,  
Hunsur Taluk,  
Mysuru District.
- 2. Krishna R R**  
S/o Rajashetty,  
Aged about 33 years,  
R/at Rampattana Village,  
Hunsur Taluk,  
Mysuru District.

**3. Rajashetty**

S/o Late. Doddarangashetty,  
Aged about 60 years,  
R/at Rampattana Village,  
Hunsur Taluk,  
Mysuru District.

**(A1 to 3 by Sri. C.S.S., Adv.)**

Date of commission of offences : 10.08.2023  
Date of report of offences : 15.08.2023  
Name of the complainant : Girija  
Date of recording evidence : 17.03.2026  
Date of Judgment : 08.05.2026  
Offences complained of : Under Sec. 341, 323, 324,  
354(B), 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 3 for the offences punishable under Sec.341, 323, 324, 354(B), 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 10.08.2023 at 4.00 p.m., within the jurisdiction of Bilikere Police Station, in Rampattana Village, when CW-1 questioned accused No.1 and 2 as to why they have put branches on the road. Then accused No.1 abused CW-1 in filthy language and held CW-1's dress. Then accused No.1 assaulted CW-1 and accused No.2 assaulted CW-1 using stick. Then accused No.3 assaulted CW-1 using his legs. Then accused persons gave life threat to CW-1 and thereby committed offences punishable under Sec. 341, 323, 324, 354(B), 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 15.08.2023 at 12.00 p.m. Upon which Cr.No.179/2023 was registered. After registering the case, CW-11 took up investigation of the case and visited spot of the offence on 15.08.2023 and drew spot mahazar in the presence of panch witnesses and recorded the statement of the witnesses and after completion of the investigation, CW-11 has submitted the charge-sheet against the accused No.1 to 3 for the offences

punishable under Sec.341, 323, 324, 354(B), 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 3, cognizance for the offences punishable under Sec. 341, 323, 324, 354(B), 504, 506 R/w 34 of IPC was taken. Accused No.1 to 3 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 persons before framing of charge and prima-facie case being made out the charge against accused No.1 to 3 for the offences punishable under Sec. 341, 323, 324, 354(B), 504, 506 R/w 34 of IPC was framed. Same was read over and explained to the accused No.1 to 3 in the vernacular language known to them, for which the accused No.1 to 3 pleaded not guilty and claimed to be tried. Then the case was set down for prosecution evidence.

6. To prove the guilt of the accused No.1 to 3 the prosecution got examined one witness as PW-1 and got marked Ex.P-1. Ex.P-1 is the complaint, Ex.P-

1(a) is the signature of PW-1. Ex.P-2 is the Spot mahazar, Ex.P-2(a) is the signature of PW-1. Ex.P-3 is the 164 statement.

7. As there were no incriminating circumstances appearing against the accused No.1 to 3, the statement of accused No.1 to 3 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 to 3 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 10.08.2023 at 4.00 p.m., within the jurisdiction of Bilikere Police Station, the accused persons in furtherance of common intention, the accused No.1 has abused CW-1 in filthy language and thereby committed an offence punishable under Sec.504 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 common intention, the accused No.1 restrained CW-1 from proceeding in any direction in which CW-1 had right to proceed and thereby committed an offence punishable under Sec.341 R/w 34 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 common intention, the accused No.1 tore the CW.1's blouse and thereby committed an offence punishable under Sec.354(B) R/w 34 of IPC?**
- 4. Whether the prosecution proves beyond reasonable doubt that on the above said date, time and place, the accused persons in furtherance of common intention, the accused No.1 assaulted CW-1 on his body, the accused No.3 assaulted CW-1 on her stomach causing simple injuries and thereby committed an offence punishable under Sec.323 R/w 34 of IPC?**

- 5. Whether the prosecution proves beyond reasonable doubt that on the above said date, time and place, the accused persons in furtherance of common intention, the accused No.2 assaulted CW-1 on her left side of forehead using a stick, causing simple injuries and thereby committed an offence punishable under Sec.324 R/w 34 of IPC?**
- 6. Whether the prosecution proves beyond reasonable doubt that on the above said date, time and place, the accused No.1 to 3 gave life threat to CW-1 and thereby committed an offence punishable under Sec.506 R/w 34 of IPC?**
- 7. 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 : In the Negative**

**Point No.5 : In the Negative**  
**Point No.6 : In the Negative**  
**Point No.7 : As per final order**  
**for the following;**

**:: R E A S O N S ::**

11. **Point Nos.1 to 6:** 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 Girija, who is a complainant and victim. She has deposed that, there was a verbal exchange of words regarding which she had given oral information before police, at that time police had obtained her signatures on two writings. She has identified the complaint which is marked as Ex.P-1 and her signature on Ex.P-1 which is marked as Ex.P-1(a). She has identified the mahazar which is marked as Ex.P-2 and her signature on Ex.P-2 which is marked as Ex.P-2(a). She has stated that, she does not know the contents written in Ex.P-1 and Ex.P-2. She has deposed that, she has not given any statement before the court, the said statement was marked as Ex.P-3 and her signature on Ex.P3(a) and Ex,P3(b).

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. She has deposed that, she has compromised the matter as accused persons.

14. The informant and victim witnesses 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 she has not supported her 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 to 3 have committed offences punishable under Sec.341, 323, 324, 354(B), 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, she herself 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-11 were dropped.

16. It is for the prosecution to prove the ingredients of the offences alleged against the accused No.1 to 3 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 to 3 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 to 3. Thus, the accused No.1 to 3 are entitled for the benefit of acquittal as nothing on record inspires this court to bring home the guilt of the accused No.1 to 3. Accordingly, this court answers **Point No.1 to 6** in the **Negative**.

17. **Point No.7:-** In view of the discussion made and conclusion arrived at Point Nos.1 to 6, this court proceeds to pass the following;

**O R D E R**

**In exercise of powers conferred under Section 248 (1) of Cr.P.C, the Accused No.1 to 3 are hereby acquitted for the offences punishable Under**

**Sec.341, 323, 324, 354(B),  
504, 506 R/w 34 of IPC.**

**Accused No.1 to 3 shall be  
set at liberty forthwith.**

**The bail bonds executed by  
the Accused No.1 to 3 and their  
surety shall remain in force till  
the expiry of appeal period as  
per Sec.437-A of Cr.P.C.**

**The properties seized  
under PF No.181/2023 dated  
15.08.2023 i.e. one pink colour  
jacket, wooden stick registered  
under PR No.164/2025 dated  
22.07.2025 being worthless are  
hereby ordered to be destroyed  
after appeal period is over.**

*(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 08<sup>th</sup> day of May, 2026)*

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

**ANNEXURE**

**Witnesses examined for the prosecution:**

PW-1 : Girija

**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

Ex.P-3 : 164 Statement

**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.