

KAMS310031892025



**IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC AT
HUNSUR**

Present

**SMT. AYISHABI.P.MAJID., B.A., LL.B.,
Prl. Civil Judge & JMFC,
Hunsur**

C.C. No. 1837/2025

DATED: THIS THE 18th DAY OF JUNE, 2026

COMPLAINANT:- State through Hunsur Rural
Police Station, Hunsur.

[Rep. by Ln. A.P.P.]

// Versus //

ACCUSED:- Arjun S/o Madhuraj
Age: 33 years,
Residing at :
1st Pakshirajapura Village,
Hunsur Taluk, Mysuru District.

(By Sri.B.C.S., Advocate)

1. Date of commission of Offence : 24.01.2025
2. Arrest of the accused : Released on bail
3. Name of the Informant : Smt. Shruthi
4. Date of opening of evidence : 15.06.2026
5. Date of closing of evidence : 15.06.2026
6. Offences complained of : U/sec. 352, 118(2), 85, of B.N.S., 2023
7. Opinion of the Judge : Accused found not guilty
8. Informant represented by : Ln.A.P.P, Hunsur
9. Date of Judgment Pronounced : 18.06.2026
10. Accused defended by : Sri.B.C.S., Adv.

(AYISHABI.P.MAJID)
Prl. Civil Judge & JMFC.,
Hunsur.

J U D G M E N T

The PSI of Hunsur Rural Police Station has submitted the charge sheet against the for the offences punishable under sections 352, 118(2), 85 of B.N.S., 2023.

2. Brief facts of the prosecution case is that, on 24.01.2025 at 11.30 p.m., within the jurisdiction of Hunsur

Rural police station, in 1st Pakshirajapura Village the accused by consuming alcohol abused CW.1 in filthy language and the accused assaulted CW.1 on her shoulder and head with iron bangle and caused simple injuries. It is further case of the prosecution that, the accused by consuming alcohol picked up quarrel with CW.1 for silly reasons and subjected her mental and physical cruelty and thereby the accused has committed the offence as alleged against him.

3. Based upon the information received, the PSI of Hunsur Rural Police, has registered a case against the accused in Crime No.43/2025. After completion of investigation, the present charge sheet came to be filed against the accused.

4. On receipt of the charge sheet the cognizance of the offences taken up and presence of the accused was secured by issuing summons. The prosecution papers were supplied to the accused as envisaged under section 230 of BNSS. After hearing both sides charge for the offences punishable under sections 352, 118(2), 85 of B.N.S., 2023 was framed read over explained to the accused in the

language known to him. The accused was not pleaded guilty claims to be tried. Hence, the matter was posted for prosecution evidence.

5. In order to bring home the guilt of the accused, the prosecution got examined Informant as PW.1 and got marked documents at Ex.P.1 to Ex.P.3 i.e., Ex.P.1 is the Complaint, Ex.P.2 is the Spot Mahazar and Ex.P.3 is the Property Seizure Memo. The learned APP prays to issue summons to other witnesses. But when the material witnesses i.e., injured/informant turned hostile to the persecution case, no purpose would be served by issuing summons to other witnesses. Hence prayer of APP is rejected. As the informant was treated hostile to the prosecution, the examination of accused under section 351 of B.N.S.S. was dispensed with and the matter was posted for arguments.

6. Heard the arguments advanced by learned A.P.P and the counsel for the accused. Perused the materials on record.

7. On examination of the contentions of both the sides and also evidence on record, the points that arise for the consideration of this court are:

P O I N T S

1. *Whether the prosecution prove beyond all reasonable doubt that on 24.01.2025 at 11.30 p.m., within the jurisdiction of Hunsur Rural police station, in 1st Pakshirajapura Village the accused by consuming alcohol abused CW.1 in filthy language and thereby gave provocation to her intending or knowing it to be likely that such provocation will cause her to break public peace and thereby the accused has committed the offence punishable **under section 352 of B.N.S., 2023?***
2. *Whether the prosecution further proves beyond all reasonable doubt that on the aforesaid date, time and place, the accused has assaulted C.W.1 her shoulder and head with Iron bangle and caused simple injuries to her and thereby the accused has committed the offence punishable **under section 118(2) of BNS., 2023?***

3. *Whether the prosecution further proves beyond all reasonable doubt that, on the aforesaid date, time and place, the accused harassed her mentally and physically and thereby the accused has committed the offence punishable Under section 85 of BNS., 2023?*

4. *What order or sentence?*

8. The aforesaid points are answered 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 final order
for the following:

REASONS

9. **Points Nos.1 to 3:** As these points require common considerations, they are taken up together for common discussion in order to avoid repetition of facts and evidence.

10. It is the specific case of the prosecution that, on 24.01.2025 at 11.30 p.m., within the jurisdiction of Hunsur Rural police station, in 1st Pakshirajapura Village the accused by consuming alcohol abused CW.1 in filthy

language and the accused assaulted CW.1 on her shoulder and head with iron bangle and caused simple injuries. It is further case of the prosecution that, the accused by consuming alcohol picked up quarrel with CW.1 for silly reasons and subjected her mental and physical cruelty and thereby the accused has committed the offence as alleged against him.

11. P.W.1 is the Informant and victim witness to the incident. In her examination-in-chief she has deposed to the fact that, the accused is her husband. There was a wrangle between herself and accused. When she went to the police station, the police have obtained signature on three documents and the accused has not abused her in filthy language, he has not assaulted with any material object and he has not harassed her mentally and physically. Though she has identified her signature on the Complaint which is marked at Ex.P1 and her signature on Ex.P1 is marked at Ex.P1(a). She has specifically stated that, she does not know the contents of Ex.P.1 to P.3. The police have not conducted any panchanama and not seized anything in the presence of CW.1. The P.W.1 was thus treated hostile and was cross-

examined by learned A.P.P. Nothing worth is elicited from her mouth during the course of cross-examination conducted by learned A.P.P. All the suggestions put to her were denied by P.W.1. Thus her evidence is of no avail to the prosecution.

12. P.W.1 has not supported the case of the prosecution in *toto*. No purpose would have been served by examining other witnesses in the case. It is well settled principle of law that ***when the judge is fairly certain that there is no prospect of the case ending in conviction, the valuable time of the court should not be wasted for holding the trial only for the purpose of formally completing the procedure to pronounce the conclusion on a future date.*** Precious time of court is thus to be saved. There is no reasonable prospectus of conviction of the accused, due to the non-supporting of the case by the informant. Thus the examination of other witnesses was given up. On perusal of the entire evidence of P.W.1 there is no iota of evidence to prove the guilt of the accused, hence, there is nothing on record to believe the case of the prosecution. Further when the material witness i.e., Informant / victim witness turned

hostile there remains nothing for the prosecution to prove the guilt of the accused beyond all reasonable doubt. There is no positive evidence to prove the guilt of the accused and as such this court is of the opinion that the prosecution has failed to prove the guilt of the accused. Accordingly, this Court answers **Points No.1 to 3 in the Negative.**

13. **Point No.4:-** In the light of foregoing discussion, this court proceeds to pass the following:

ORDER

Under the powers conferred upon this Court under section 271(1) of B.N.S.S., the accused is acquitted of the offences punishable under sections 352, 118(2), 85 of B.N.S.S., 2023.

The accused is set at liberty.

The property seized under PF No. 15(A)/2025 dated 10.02.2025 i.e. one steel bangle registered under PR No.137/2026 dated

15.07.2026 being worthless is hereby ordered to be destroyed after appeal period is over.

In view of 481 of B.N.S.S., the bail bond and surety bond executed by the accused is ordered to be continued to be in force for a period of six months or till issuance of notice in respect of any appeal [if preferred] against the present judgment.

(Dictated to the Stenographer directly on computer, corrected, and then pronounced by me in the open Court on this the 18th day of June, 2026).

(AYISHABI.P.MAJID)
Prl. Civil Judge & JMFC.,
Hunsur.

ANNEXURES

1. LIST OF WITNESSES EXAMINED ON BEHALF OF PROSECUTION:

P.W.1 : Shruthi W/o Arjun

2. LIST OF DOCUMENTS EXHIBITED ON BEHALF OF PROSECUTION:

Ex.P.1 : First Information
Ex.P.2 : Spot Mahazar
Ex.P.3 : Seizure Mahazar

3. LIST OF MATERIAL OBJECTS MARKED ON BEHALF OF PROSECUTION:

-N I L -

4. LIST OF WITNESSES EXAMINED ON BEHALF OF DEFENCE :

-N I L-

5. LIST OF DOCUMENTS EXHIBITED ON BEHALF OF DEFENCE:

-N I L-

**Prl. Civil Judge & JMFC.,
Hunsur.**