

KAMS700005492020



**IN THE COURT OF SENIOR CIVIL JUDGE AND JMFC
AT T. NARASIPURA.**

PRESENT

SMT. PARVEEN A BANKAPUR

B.Com., L.L.B., (Spl).,

SENIOR CIVIL JUDGE AND J.M.F.C.,
T. NARASIPURA.

C.C. NO.199/2020.

DATED THIS 17th DAY OF JUNE, 2026.

COMPLAINANT : The State of Karnataka,
Through T. Narasipura P.S.
(By A.P.P.)

Vs.

ACCUSED : Amith @ Rajendra Prasad C.
S/o Chandru R.
Aged about 19 years,
R/at: Triveninagara,
T. Narasipura town,
Mysuru District.

(By Sri. Venkatesha, Advocate)

1. Date of offence : 04.01.2019.
2. Date of report of offence : 04.01.2019
3. Date of arrest of accused :

4. Date of release of accused :
5. Name of the first informant : Nanjunda.
6. Date of commencement of evidence. : 14.11.2022.
7. Date of completion of evidence : 04.09.2025.
8. Offences alleged : Sections 341, 353, 332 and 504 of IPC.
9. Opinion of the P.O. : Accused is found guilty.
10. Complainant Rep. By : A.P.P.
11. Accused Rep. By : Sri. Venkatesha, Advocate.

(PARVEEN A BANKAPUR),
Senior Civil Judge and JMFC,
T. Narasipura.

J U D G M E N T

The P.I of T. Narasipura police station has filed the charge sheet against the accused for the offences punishable under Sections 341, 353, 332 and 504 of IPC.

2. The case of the prosecution is that:-

On 04.01.2019 at about 9.00 A.M. near Rajarajeshwari Medical Store, Main Road, 5th Ward T. Narasipura town, with the limits of T. Narasipura police, when C.W.1 doing drainage cleaning work at that time

accused picked up quarrel with C.W.1 and wrongfully restrained the movement of him, abused him in filthy language, scratching his face with nails and beaten him with hands and restrained from discharging his official duty as public servant by used criminal force. Thus, the accused has committed the above said offences.

3. The accused is enlarged on bail during crime stage. After the charge sheet is filed, the cognizance was taken of the above offences and summons was issued to the accused. After his appearance, the copy of the charge sheet is furnished to him as per section 207 Cr.P.C.

4. Heard learned A.P.P. and learned counsel appearing for the accused. As there were sufficient materials, charges under section 341, 353, 504 and 332 of IPC were framed read over and explained to the accused. He has not pleaded not guilty, but claimed to be tried. Hence, the case is posted for prosecution evidence.

5. In order to establish its case the prosecution as many as 8 witnesses examined as P.Ws.1 to 8 and got marked 7 documents as Exs.P.1 to 7 to prove its case and closed its side.

6. The accused was examined under Section 313(1)(b) Cr.P.C. Incriminating materials appear in the prosecution evidence are read over and explained to the accused. He has denied the same. The accused did not choose to lead defense evidence.

7. Heard learned APP and learned counsel appearing for accused at full length.

8. Upon hearing the arguments on perusal of material placed on record, the following points arise for consideration.

1. Whether the prosecution has proved beyond all reasonable doubts that on 04.01.2019 at about 9.00 A.M. near Rajarajeshwari Medical Store, Main Road, 5th Ward T. Narasipura town, within the limits of T. Narasipura police, when P.W.1 doing clearing

of drainage cleaning work by that time accused picked up quarrel with P.W.1 and wrongfully restrained the movement of him and thereby accused has committed an offence punishable under section 341 of I.P.C. within my cognizance?

2. Whether the prosecution has proved beyond all reasonable doubts that on the same day, time and place and mentioned herein the accused voluntarily picked up quarrel with P.W.1 restrained him from discharging his official duty as public servant, used criminal force against him and thereby accused committed an offence punishable under section 353 of IPC?

3. Whether the prosecution has proved beyond all reasonable doubts that on the same day, time

and place and mentioned herein accused abused in filthy language and thereby gave provocation to him intending it likely that such provocation will cause break the public peace or commit any other offence and thereby he committed an offence punishable under Section 504 of IPC?

4. Whether the prosecution has proved beyond all reasonable doubts that on the same day, time and place and mentioned herein accused voluntarily hurt to P.W.1 by scratching his face on his nails and beaten him with hands on his body and deterred from him discharging his official duty and thereby he committed an offence punishable Under Section 332 of IPC?

5. What Order?

9. The finding to the above points are as under:-

Points No.1 to 4 : Affirmative.

Point No.5 : As per final order.

R E A S O N S

10. POINTS NO.1 TO 4:- According to the case of the prosecution that C.W.1 who is complainant was serving as Pura Karmika since from 2005 and he doing his work under the Scheme of ಸಮಾನ ಕೆಲಸಕ್ಕೆ ಸಮಾನ ವೇತನ. On 04.01.2019 at about 6.00 A.M. Health Inspector of Municipal Corporation allotted work to C.W.5 for cleaning the drainage at Ward No.5, Thriveninagara. At about 9.00 A.M. when C.W.1 performing his allotted work at that time near Rajarajeshwari Medical store when the complainant doing drainage cleaning work on road near the accused's house. The accused suddenly quarrel with the C.W.1 abused him in filthy language and wrongfully restrained the movement of C.W.1 and also restraining him from doing his duty as public servant and also caused hurt by scratching his face through his nails and beaten him with his hands on the body of C.W.1. Therefore, C.W.1 lodge a complaint against the accused.

11. To prove the case of prosecution has examined P.W.1. He deposed that he is Health Inspector since from 2016 to 2022 at Town Municipal Corporation. He further deposed that, C.W.1 to 3 are working in municipality as Pura Karmikas and he appointed C.W.1 on 04.01.2019 for cleaning the work at Thriveninagara Ward No.5. He further deposed that at that time C.W.1 was cleaning the drainage at that time accused came and he told that drainage water not put in front his house it caused nasty and picked up quarrel with him scratch on his face and chest and caused obstruction to his official duty. He further deposed that after came to know the incident he came to the spot and sent to the C.W1 to the hospital. He further deposed that he given statement before the police on that aspect. In the cross examination he denied the suggestions and also denied that no incident happen as stated by him.

12. P.W.2 is a complainant he deposed that since from 7 years he working as a Pura Karmikas at Municipal Corporation T. Narasipura. He further deposed that on 04.01.2019 he appointed for cleaning work at ward No.5. He further deposed that at about 9.00 A.M when he cleaning drainage in front of house of

accused at that time accused told that drainage water was flowing in front of his house and picked up quarrel with him and abused him in filthy language like ಬೋಳಿ ಮಗನೆ and he throne him to the earth and scratching his face by hand and also teared his cloths. He further deposed that time C.Ws.2 and 3 were came to the spot and specify the quarrel. He further deposed that he took the treatment in Government hospital T. Narasipura and reported the incident to Health Inspector and Chief officer of Town Municipal Corporation. He further identified his signature on the complaint as per Ex.P.1(a). He further identified is signature on Spot Panchanama as per Ex.P.2(a). He further identified accused in the court. At this stage, he treated partly hostile and subject to cross examination by the learned APP in the cross examination he admits that accused wrongfully restrained him. In the cross examination he stated that drainage waste are cleaned by them and put it on the road side, there after they transport the waste through vehicle. He further stated that he hold the drainage wastage in Bin (ಎಲೆ ಕೋಟಿ) in which dirty water was flowing. He further admits that, the compound wall and drainage distance is about 2-3 feet. He further stated that, he has not put the drainage

waste in front of house of the accused. He further stated that initially the accused mother told him not to clean the drainage. He denied that he was not heed the request of the mother of accused and quarrel with her. He further denied that he is habit of consuming alcohol. He further denied that the mother of the accused requesting him to clean the drainage in front of their house, but he has not heed the request and talking with her in singular language and indecently. He further stated that about 2-3 scratching injuries on his face with bleeding. He further stated about 10 minutes said galata was made. He further stated that at that time the neighbor of the accused are also gathered. He further stated that accused also come to the police station. He denied that by consuming alcohol with imbalance he fell down and sustained injuries. He denied that colluding with the officials and police people he lodge false complaint against the accused.

13. P.W.3 is eye witness. He also deposed that he know the accused and C.Ws.1 and 3 are appointed by them they doing cleaning work at ward No.5 and on that day at about 8.45 or 9.00 A.M. some one public had assaulted the C.W.1 and after came to know that he rush to the spot at that time accused hold the cloth

of C.W.1 and tear the cloth and scratching on his face. He further deposed that accused abused him say saying like ಬೋಳಿ ಮಗನೆ, ಸೂಳಿ ಮಗನೆ and also assaulted him with hands. He further deposed that he and C.W.3 specify the quarrel and also reported to the Chief Officer and at that time Health Inspector came to the spot and sent him to the hospital. He further deposed that thereafter, they went to the police station. He further deposed while clearing the drainage the drainage water was flowing in front of house of the accused for that reason the quarrel was took place. He further deposed that the police were conducted spot Panchanama in front of him he identified is signature on spot Panchanama as per Ex.P.2(b). He turned partly hostile and in the cross examination he admits that accused has wrongfully restrained him. In the cross examination he stated that they reported the incident to the Chief Officer, thereafter as per the direction of Chief officer health inspector came to the spot. He further stated that when he rushed to the spot C.W.1 and accused holding each other. If he further stated that at that time mother of the accused also present. He further stated that Health Inspector sent the C.W.1 to the hospital. He further stated that, C.W1 sustained

4-5 injuries on his face. He further stated that, he came to know that the incident was happen with reason that drainage water was flowing in front of house of the accused. He denied that C.W.1 consuming alcohol. He further denied that in alcoholic condition C.W.1 talking with the mother of accused in singular language. He further denied that C.W.1 fell down while he trying to assaulting the accused and sustained injuries. He further denied that in the alcoholic condition with imbalance C.W.1 fell down and sustained injuries. He further denied that, colluding with officials and police filed false complaint against he accused.

14. The prosecution has examined P.W.4 who is another eye witness. He deposed that he know the C.Ws.1 and 2 and on 04.01.2019 he appointed for cleaning work at ward No.5 of Thriveninagara. He further deposed that on that day at about 8.30 to 9.00 A.M. he came to know that some one quarrel with C.W.1 and assaulted him, immediately he rushed to the spot and saw that accused assaulting the C.W.1. He further deposed that accused scratch on the face of the C.W.1 and teared his cloths. He further deposed that accused abused C.W.1 in filthy language i.e., ಬೋಳಿ ಮಗನೆ. He further deposed that accused assaulted to C.W.1

with hands and they specified the quarrel. He further deposed that he came to know that the quarrel was started with reason drainage water was flowing in front of door of the accused. He further deposed they reported about incident to the Chief Officer. Thereafter, C.W.1 lodged complaint before the T. Narasipura Police. He further deposed that at the time of spot Panchaname he present and identified his signature on spot Panchaname as Ex.P.2(c). He turned partly hostile and in the cross examination he admits that accused wrongfully restrained the C.W.1. In the cross examination he deposed that at the time of incident the distance between himself and C.W.1 is about 10 meter. He further stated that, when he rushed to he spot C.W.1 was fell down and accused is on him. He further stated that, he listened the abuse of accused. He denied that C.W.1 consumed alcohol. He further denied in alcoholic condition he talking in singular language to the mother of the accused. He further denied that C.W.1 himself fell down while he trying to assault the accused. He further denied that, they all are assaulted the accused. He further denied that, C.W.1 in consuming alcohol and with imbalance condition he himself fell down and

sustained injuries. He further denied that, colluding with officials and police they have deposed falsely.

15. Prosecution has examined P.W.5 who registered the case and does his official duty. He deposed that on 04.01.2019 at about 12.15 P.M. he working as S.H.O in the T. Narasipura police station at that time P.W.2 came to he police station and lodge written complaint and on the basis of that complaint he registered the case under Crime No.05/2019 and sent the F.I.R to the court and visit the spot and conducted spot Panchanama as per Ex.P.2 in the presence of P.Ws.2, 3 and 4. He further deposed that on the same day he arrested the accused and after compliance he produce the accused and sent him to J.C as per the order of court. He identified the accused and also identified his signatures on Exs.P.1 and 2. He further deposed that on the same day he recorded the statement of witlessness and on 14.02.2019 he collected wound certificate from the Government hospital T. Narasipura. He further deposed that he collected appointment letter of P.W.2 from Town Municipal Corporation, T. Narasipura as per Exs.P.5 to 7 and after completion of investigation he filed charge sheet against the accused.

16. In the cross examination he stated that, he received MLC from the hospital. He further stated that, incident was happened in front of house of the accused. He further stated that, the incident was happen at the time of cleaning work by the P.Ws.2 to 4. He further stated that the accused also came to the police station for lodging the complaint against the P.W.2 but they have not received the complaint from accused. He further denied that on influence of T.M.C officials he registered the case against the accused. He further denied that, Exs.P.1 to 7 documents are created by him and officials of T.M.C. He further denied that, without any investigation he filed false charge sheet against the accused.

17. The prosecution has examined P.W.6 who is Health Inspector of T.M.C., T. Narasipura. He deposed that, P.W.2 is Poura Karmika and he appointed in the month of January, 2019 for cleaning the Ward No.5 Theiveninagara, in front of Rajarejeshwari Medical store for cleaning the drainage. He further deposed that, while cleaning the drainage the dirty water was flows in front of house of accused and at that time mother of accused was questioned the P.W.2 and told that don't flowing the dirty water in front of their house. He

further deposed that, P.W.2 answered to the mother of accused that that water was dried after some time then accused came and suddenly assaulted the P.W.2 and scratched on his body with his nails. He further deposed that, P.W.2 informed about the incident to him through telephone call. He further deposed that he sent the P.W.2 to hospital and he also went to the hospital and inquired about incident to P.W.2. He further deposed that thereafter, P.W.2, Chief Officer, Health Inspector and himself went to the police station and lodge the complaint. He identified the appointment order of P.W.2 and also identified his signature on Ex.P.7.

18. In the cross examination he stated that, he has not seen the spot. He denied that, on the say of P.Ws.2 and 4 he deposed falsely. He further stated that, he saw the injuries on the body of P.W.2. He admits that, P.W.2 working in his office. He denied that, P.W.2 himself fell down and went to the hospital. He further denied that, P.W.2 in habit of consuming alcohol. He further denied that, he working drainage clearing work by consuming the alcohol.

19. Prosecution has examined Medical Officer as P.W.7 he deposed that he working in Government

hospital as a medical officer since from 10 years. He deposed that, on 04.01.2019 about about 9.40 A.M. accused came to him with history of assault then he examined P.W.2 he sustained 1 X 2 scratched wound on lower part of left eye and 0.5 X 1 c.m scratched wound on right eye and also scratched wound on his chest about 10 c.m. He further deposed that, he given treatment to him and above said wounds are simple in nature and issued wound certificate as per Ex.P.4. He further deposed that the above said wounds sustained by assaulting hand and by scratching nails. In the cross examination he stated that, when a person fell down the above said wounds are occurred.

20. The prosecution has examined Chief Officer of T.M.C, T. Narasipura as P.W.8. He deposed that, P.Ws.2 to 4 are Poura Karmikas at T.M.C T. Narasipura and P.W.1 is a Senior Health Inspector. He further deposed that, they came to know that, on 04.01.2019 while P.W.2 cleaning work some persons assaulted on him and also came to know the P.W.2 lodge police complaint. He further deposed that, as per the request of C.W.5 he issued certificate by declaring that Mara, Mahadeva, and Shivanna are Poura karmaikas. He further identified his signature on the certificate as per

Ex.P.5(b). In the cross examination he admits that, he is not witness to the incident. But, he went to the police station at about 10.00 A.M. and also at about 2.00 P.M. He further stated that, in the police station injured persons are also present. He denied that, as per the request of police, they created a Exs.P.5 and 6 documents. He further stated that, after verifying the T.M.C records he issued certificate.

21. Considering the above oral evidence examined by the prosecution P.Ws.1 to 8 are all supported the case of the prosecution. P.W.2 is the complainant and also an injured witness. It is well settled legal principle that testimony of an injured witness carried higher efficiently. It is normally believed that, injured person will not falsely implicate any other person, other than the assailant. In view of finds support from the ratio laid down by the Hon'ble Supreme Court of India in 2006 (9) SCC Head note 'D' which reads thus

“D. Criminal Trial - Witnesses - - Injured witness - - Held Testimony of an injured witness has its own relevancy and efficacy—Fact that the witness was injured at the time and in the same occurrence lends support to

the testimony that the witness was present during the occurrence and he saw the happening with his own eyes.”

16. Further this view was echoed in a recent decision of the Supreme Court reported on 2009 volume 2 Crimes 192 (SC) which reads thus:

“(a) Criminal Trial- - Injured eye witnesses- If the prosecution case is supported by two injured eye-witnesses whose testimony is consistent before the police and the court and corroborated by the medical evidence, their testimony cannot be discarded.”

Same principles were reiterated by Hon’ble High Court of Karnataka in 2009 (2) Crimes 491 (KAR) in K.Hanumanthaiah Vs Narasimhaiah and Another which reads thus:-

“ Indian Penal Code, 1860—Sections 323, 324, 506(b) - - Acquittal or respondent of charges - - Revision by complainant- - Acquittal by trial court was solely on ground that there was discrepancy as regards nail marks on fact of complainant as no mention of such injury was made in report. – Evidence of injured witness stands at higher footing than that of any other eyewitness - - Injured would not generally implicate an innocent.

22. Now, reverting to the factual Scenario of present case, P.W.2 is the injured witness and victim, he states that accused picked up quarrel with him and wrongfully restrained him and abused him in filthy language and also obstruct for doing his official duty and also assaulted by hand and scratch by nails on his face and chest. The same aspect were spoken to by P.Ws.3 and 4 who are the eye witnesses the same incident and who testimony corroborate with testimony of P.W.2 complaint. Hence, the light of principle emerges from the above reference decision, the testimony of P.W.2 acceptable.

23. The learned counsel for the accused has seriously and vehemently argued that Pura Karmikas is not come within the preview of Public Servant or Government Servant. In this regard the learned A.P.P draw the attention of this court to Section 21 of IPC and Section 2(28) of B.N.S in which the Pura Karmika also come within the preview of public servant. Further, regularized or permanent Pura Karmikas (sanction workers) are treated as direct Government Servant or Public Employees under Municipal Corporation Act. The Karnataka Government has historically transitioned tens of thousand of those civil workers from exploitative

contract systems to permanent “D” group municipal employees roles to receive fixed Government salaries, Pension and Health benefits. The Pura Karmikas are received their salaries from the Government. In the present case also as per Ex.P.5. P.W.2 who is the complainant is regularized Pura Karmika working in T.M.C. T. Narasipura and Ex.P.7 is the order of Health Inspector T.M.C T. Narasipura by allotting and appointing for doing cleaning work of drainage at Ward No.5 Thrieveninagara, where the incident was happen. Therefore, P.W.2 Pura Karmika is come within the perview of Government servant or public servant. Hence, the contentions taken by the learned counsel for the accused in not sustainable.

24. The learned counsel for accused also argued that there is no corroboration in the evidence of witnesses. Hence, the evidence of prosecution cannot believed. It is pertinent to note that corroborative evidence is not an imperative competent of judicial credence. Further Section 134 of Indian Evidence Act state that no particular number of witness is required to establish the case. Conviction can be based on the testimony of single witness, if he is wholly reliable. Corroboration is necessary only when witness is partly

reliable and partly not reliable. This preposition finds supports from the ratio laid down by the Hon'ble Apex Court in (Crl.123) in the case of Ramesh Krishan Madhusudhan Nayar Vs. the State of Maharashtra Wherein the Hon'ble Apex Court held that:-

Section 134 of Evidence Act - Solitary evidence - basing conviction on - priority of - Provision under section 134 of Indian Evidence Act clearly states that no particular number of witness is required to established the case. Conviction can be based on the testimony of her single witness if he is wholly reliable. Corroboration may be necessary when he is only partially reliable. If evidence of single witness is unblemished and beyond all criticism and court is satisfied that the witness was speaking the truth then on his evidence alone conviction can be maintained.

25. In the present case, all the material witnesses i.e., P.W.2 is the injured and victim P.Ws.3 and 4 are the eye witnesses and P.Ws.1, 5 and 6 are the circumstantial witnesses and also P.Ws.1, 5 and 6 are present in the police station while P.W.2 lodging the complaint against the accused. All witlessness are material witnesses and their evidence is corroborate each other. Hence, the all witnesses evidence is believable.

26. The learned counsel for the accused taken multiple defence in the cross examination. First defence is that, P.W.2 talking with the mother of the accused in singular language and when accused and his mother questioned the same the P.W.2 along with other persons of T.M.C. T. Narasipura are trying to assaulted on him. Another defence taken is that P.W.2 is in alcoholic conditioned fell down himself and sustained injuries. Another defence taken by the accused is that, C.W.1 himself trying to assault the accused and by imbalance himself fell down and sustained injuries. Further, the defence taken by the accused that official of T.M.C colluding with Police have lodged false complaint against the accused. But, learned counsel for the accused not explained at what interest or motive to file false complaint against the accused who are unknown persons to the accused.

27. Further, the defence taken by the learned counsel for the accused is that P.W.2 and other witnesses stated that accused was teared the cloth of accused. But the police have not sized the said teared cloth. It is pertinent to note that, P.W.7 is the medical officer who issued wound certificate as per Ex.P.4. Which also corroborate the injuries sustained by the

P.W.2. In Ex.P.4 the scratched injuries are mentioned which corroborate with the evidence of P.W.2. The evidence of medical officer and P.W.2 are corroborate each other. With respect of non seizing of cloth of P.W.2, in my considered opinion only on the strength of defective investigation testimony of injured and eye witness cannot be thrown away. This proposition is also find support from ratio laid down in JT 2004 (3) SC 380 where it is held that In the case of defective investigation the court has to be circumspect in evaluating the evidence. But, it would not be right in acquitting the accused person solely on the account of defect, to do so would tantamount to paying in to the hands of investigation officer if the investigation is resignedly defective. Therefore, the contention of the defence in this regard does not hold any substance.

28. On careful and meticulous evidence laid down on behalf of prosecution it clearly establish that the accused has picked up quarrel with the complainant and unlawfully restrained him and abusing him in filthy language and obstruct the public work of the complainant and assaulted him with hands and also scratched on his face with nails and caused injuries to the complainant. Therefore, the prosecution has

successfully establish beyond all reasonable doubt the charged leveled against the accused. Hence, I answer **points No.1 to 4** in **affirmative**.

29. POINT NO.2:- For the discussion made above the following order is passed.

ORDER

Acting under Section
248(2) of Cr.P.C. the
accused is convicted for the
offences punishable under
Sections 341, 353, 504 and
332 of I.P.C.

To Hear on sentence.

(Dictated to the Stenographer directly on Computer, typed by him, corrected and
then pronounced by me in the open court on this 17th day of June, 2026)

(PARVEEN A BANKAPUR),
Senior Civil Judge and JMFC,
T. Narasipura.

HEARD ON SENTENCE

30. Accused present. Heard, learned APP and
learned counsel for the accused on sentence.

31. Learned APP strongly argued for imposing of maximum sentence to the accused as the accused has committed offences against the Government servant and he obstruct the official duty of the public servant, per contra learned counsel for the accused sought for leanance and submits that accused is at the age of 19 years and he is studying in college and he is only son of his parents. Hence, prayed for lienat view is to be taken and to be released under the provisions of Probation offender Act.

32. I have bestowed my anxious consideration to the submission made by the both counsels. This court has already come to the conclusion that accused has wrongfully restrained complainant, assaulted him and obstruct his official duty by causing simple injuries to the complainant and also abused him in filthy language. Indisputably, this is an alarming incident. On the other hand the accused is at the age of 19 years on the date of commission of the offences. Moreover, expect Section 332 of IPC, other offences committed by the accused are punishable with imprisonment less then 2 years. Section 332 of IPC punishment is 3 years.

Section 360 of CrPC says that-

1 any person who is not below 21 years and convicted of a crime for which the punishment for imprisonment for 7 years or is convicted for an offence punishable with fine.

2. Or any person who is below 21 years or if any women convicted of an offence not punishable with imprisonment of life or death and no previous conviction is proved against the offender.

3. And appears before the court, regardless of the circumstances in which he has committed the offence, the court might release the offender on the promise of good conduct.

33. As per Section 3 of the Probation of Offenders Act, 1958 deals with the powers of court to release the offender after admonition. An admonition, in literal terms, means a firm warning or reprimand. Section 3 says how the offender is benefit and on the basis of admonition after satisfying the following conditions;

- When any person is found guilty of committing offence under Section 379 or 380 or 381 or 404 or 420 of IPC or any offence punishable with imprisonment for not more than 2 years or fine or with both under IPC or any other law

- *An offender should previously be convicted for the same offence.*

- *The court consider the nature of the offence and the character of the offender.*

- *The court may release the offender on probation of good conduct applying Section 4 of Act, instead of sentencing him and,*

- *The court may release the offender after due admonition instead of sentencing him.*

34. In the present case as above stated, at the time of commission of the offence the offender/accused is at the age of 19 years and he is studying in college, looking to the behavior and conduct of the accused in open court also good. If the accused is sentencing it may caused stigma on the accused and also it will caused healed to his future.

35. As above stated, all the offences are less than 2 years and not punishable with death or imprisonment than 7 years. As per the submission of jurisdictional police the accused has not convicted for same offence or any other offence.

36. Therefore, considering the all these aspects the accused is entitled for benefit of Probation Offender Act, 1958 Section 3 and 4 by admonition him that he will not commit any such offence in future. Hence, I proceed to pass the following order:-

ORDER

Acting under Section 3 and 4 of Probation of Offenders Act, 1958 the accused is released for the offences punishable under Sections 341, 353, 504 and 332 of I.P.C.

It is admonition to the accused that he will not commit any such offences in future.

Bail bond and surety bond of accused will canceled.

Protection Officer is hereby directed to observe behavior and conduct of the accused about above said admonition for the period of 1 year and also directed to report the

same once in a 6 months. Issue
intimation to Protection Officer.

Supply the free copy of
Judgment to the accused.

(Dictated to the Stenographer directly on Computer, typed by him, corrected and
then pronounced by me in the open court on this 17th day of June, 2026)

(PARVEEN A BANKAPUR),
Senior Civil Judge and JMFC,
T. Narasipura.

ANNEXURE

1. WITNESSES EXAMINED FOR THE PROSECUTION:-

P.W.1 : Chethan Kumar.
P.W.2 : Nanjunda.
P.W.3 : Mahadeva.
P.W.4 : Revanna.
P.W.5 : Azaurddin.
P.W.6 : Mahendra M.
P.W.7 : Dr. Nalina.
P.W.8 : Ashoka.

2. DOCUMENTS MARKED FOR THE PROSECUTION:-

Ex.P.1 : F.I.S.
Ex.P.1(a) : Signature of P.W.1.
Ex.P.1(b) : Signature of P.W.5.
Ex.P.2 : Spot mahazar.

- Ex.P.2(a) : Signature of P.W.2.
Ex.P.2(b) : Signature of P.W.3.
Ex.P.2(c) : Signature of P.W.4.
Ex.P.2(d) : Signature of P.W.5.
Ex.P.3 : F.I.R.
Ex.P.3(a) : Signature of P.W.5.
Ex.P.4 : Wound certificate.
Ex.P.4(a) : Signature of P.W.5.
Ex.P.4(b) : Signature of P.W.7.
Ex.P.5 : Certificate issued by Town Municipality
T. Narasipura.
Ex.P.5(a) : Signature of P.W.5.
Ex.P.5(b) : Signature of P.W.8.
Ex.P.6 : Order copy.
Ex.P.7 : Office memorandum.
Ex.P.7(a) : Signature of P.W.5.
Ex.P.7(b) : Signature of P.W.8.
Ex.P.7(c) : Signature of P.W.6.

3. WITNESS EXAMINED FOR THE DEFENCE:-

- N I L -

4. DOCUMENT MARKED FOR THE DEFENCE:-

- N I L -

(PARVEEN A BANKAPUR),
Senior Civil Judge and JMFC,
T. Narasipura.

Accused is present.

When the case is posted for hearing on sentence, learned counsel for the accused convicted has prayed to impose fine only on the accused.

Learned APP has prayed to convict the accused by imposing imprisonment.

I have heard the arguments of both sides and perused the penal provisions of IPC for which the accused is found guilty.

Having considered the nature of the offences and the incident, I am of an opinion that it is necessary to impose the fine only upon the accused since the

penal provisions provide the punishment of imprisonment or fine or both. Thus, I proceed to pass the following.

HEARD ON SENTENCE

30. Accused present. Heard, learned APP and learned counsel for the accused on sentence.

31. Learned APP strongly argued for imposing of maximum sentence to the accused as the accused has committed offences against the Government servant and he obstruct the official duty of the public servant, per contra learned counsel for the accused sought for leanance and submits that accused is at the age of 19 years and he is studying in college and he is only son of his parents. Hence, prayed for lenient view is to be taken and to be released under the provisions of Probation offender Act.

32. I have bestowed my anxious consideration to the submission made by the both counsels. This court has already come to the conclusion that accused has wrongfully restrained complainant, assaulted him and obstruct his official duty by causing simple injuries to the complainant and also abused him in filthy language. Indisputably, this is an alarming incident. On the other hand the accused is at the age of 19 years on the date of commission of the offences. Moreover, expect Section 332 of IPC, other offences committed by the

accused are punishable with imprisonment less than 2 years. Section 332 of IPC punishment is 3 years.

Section 360 of CrPC says that-

1 any person who is not below 21 years and convicted of a crime for which the punishment for imprisonment for 7 years or is convicted for an offence punishable with fine.

2. Or any person who is below 21 years or if any women convicted of an offence not punishable with imprisonment of life or death and no previous conviction is proved against the offender.

3. And appears before the court, regardless of the circumstances in which he has committed the offence, the court might release the offender on the promise of good conduct.

33. As per Section 3 of the Probation of Offenders Act, 1958 deals with the powers of court to release the offender after admonition. An admonition, in literal terms, means a firm warning or reprimand. Section 3 says how the offender is benefited and on the basis of admonition after satisfying the following conditions;

- When any person is found guilty of committing offence under Section 379 or 380 or 381 or 404 or 420 of IPC or any offence punishable with imprisonment for not more than 2 years

or fine or with both under IPC or any other law

- An offender should previously be convicted for the same offence.

- The court consider the nature of the offence and the character of the offender.

- The court may release the offender on probation of good conduct applying Section 4 of Act, instead of sentencing him and,

- The court may release the offender after due admonition instead of sentencing him.

34. In the present case as above stated, at the time of commission of the offence the offender/accused is at the age of 19 years and he is studying in college, looking to the behavior and conduct of the accused in open court also good. If the accused is sentencing it may caused stigma on the accused and also it will caused healed to his future.

35. As above stated, all the offences are less than 2 years and not punishable with death or imprisonment than 7 years. As per the submission of jurisdictional police the accused has not convicted for same offence or any other offence.

36. Therefore, considering the all these aspects the accused is entitled for benefit of Probation Offender Act, 1958 Section 3 and 4 by admonition him that he will not commit any such offence in future. Hence, I proceed to pass the following order:-

(Separate Judgment is passed and pronounced in the open court)

ORDER

Acting under Section 3 and 4 of Probation of Offenders Act, 1958 the accused is released for the offences punishable under Sections 341, 353, 504 and 332 of I.P.C.

It is admonition to the accused that he will not commit any such offences in future.

Bail bond and surety bond of accused will canceled.

Protection Officer is hereby directed to observe behavior and conduct of the accused about above said admonition for the period of 1 year and also directed to report the same once in a 6 months. Issue intimation to Protection Officer.

Supply the free copy of Judgment to the accused.

Senior Civil Judge and JMFC,
T. Narasipura.

Accused present.

(Separate Judgment is passed and pronounced in the open court)

ORDER

Acting under Section 248(2) of Cr.P.C. the accused is convicted for the offences punishable under Sections 341, 353, 504 and 332 of I.P.C.

To Hear on sentence.

Senior Civil Judge and JMFC,
T. Narasipura.

HEARD ON SENTENCE

Accused present. Heard, learned APP and learned counsel for the accused on sentence.

Learned APP strongly argued for imposing of maximum sentence to the accused as the accused has committed offences against the Government servant and he obstruct the official duty of the public servant, per contra learned counsel for the accused sought for leanance and submits that accused is at the age of 19

years and he is studying in college and he is only son of his parents. Hence, prayed for lienat view is to be taken and to be released under the provisions of Probation offender Act.

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Section 360 of CrPC says that-

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2. Or any person who is below 21 years or if any women convicted of an offence not punishable with imprisonment of life or death and no previous conviction is proved against the offender.

3. And appears before the court, regardless of the circumstances in which he has committed the offence, the court might release the offender on the promise of good conduct.

As per Section 3 of the Probation of Offenders Act, 1958 deals with the powers of court to release the offender after admonition. An admonition, in literal terms, means a firm warning or reprimand. Section 3 says how the offender is benefit and on the basis of admonition after satisfying the following conditions;

- When any person is found guilty of committing offence under Section 379 or 380 or 381 or 404 or 420 of IPC or any offence punishable with imprisonment for not more than 2 years or fine or with both under IPC or any other law*

- An offender should previously be convicted for the same offence.*

- The court consider the nature of the offence and the character of the offender.*

- The court may release the offender on probation of good conduct applying Section 4 of Act, instead of sentencing him and,*

- The court may release the offender after due admonition instead of sentencing him.*

In the present case as above stated, at the time of commission of the offence the offender/accused is at the age of 19 years and he is studying in college, looking to the behavior and conduct of the accused in open court also good. If the accused is sentencing it may caused stigma on the accused and also it will caused healed to his future.

As above stated, all the offences are less than 2 years and not punishable with death or imprisonment than 7 years. As per the submission of jurisdictional police the accused has not convicted for same offence or any other offence.

Therefore, considering the all these aspects the accused is entitled for benefit of Probation Offender Act, 1958 Section 3 and 4 by admonition him that he will not commit any such offence in future. Hence, I proceed to pass the following order:-

ORDER

Acting under Section 3 and 4 of Probation of Offenders Act, 1958 the accused is released for the offences

punishable under Sections 341, 353, 504 and 332 of I.P.C.

It is admonition to the accused that he will not commit any such offences in future.

Bail bond and surety bond of accused will canceled.

Protection Officer is hereby directed to observe behavior and conduct of the accused about above said admonition for the period of 1 year and also directed to report the same once in a 6 months. Issue intimation to Protection Officer.

Supply the free copy of Judgment to the accused.

Senior Civil Judge and JMFC,
T. Narasipura.