

KAMS700036892022



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

PRESENT

SRI. HANUMANTHA G.H.

B.A.L., LL.M.

Senior Civil Judge and JMFC,
T. Narasipura.

C.C. NO.2071/2022.

DATED THIS 07th DAY OF MARCH, 2026.

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

Vs.

ACCUSED : 1. Kencha @ Dhanagere
@ Mahadeva,
S/o Siddaiah,
Age: 39 years,
R/at: Alagudu village,
T. Narasipura taluk,
Mysuru District.

2. Sanju @ Sanjay G.
S/o Late Govinda,
Age: 28 years,
R/at: Srirampura street,
T. Narasipura town.

3. Rakesh G. S/o Cheluvaraju
Age: 25 years,
R/at: Srirampura street,
T. Narasipura town.

4. Manu M. S/o Mahadevanayaka,
Age: 22 years,
R/at: Alagudu village,
T. Narasipura town.

(By Sri. R. Nanjappa, Advocate)

- | | | |
|---|---|---|
| 1. Date of offence | : | 20.06.2022. |
| 2. Date of report of offence | : | 20.06.2022. |
| 3. Date of arrest of accused | : | - - - - |
| 4. Date of release of him | : | - - - - |
| 5. Name of the first informant | : | Dhanush V. |
| 6. Date of commencement
of evidence. | : | 19.02.2026. |
| 7. Date of closure of evidence | : | 19.02.2026. |
| 8. Offences alleged | : | Sections 341, 504, 323, 326
and 506 r/w 34 of IPC. |
| 9. Opinion of the P.O. | : | Accused are not found guilty. |
| 10. Complainant Rep. By | : | A.P.P. |
| 11. Accused Rep. By | : | Sri. R. Nanjappa, Advocate. |

(HANUMANTHA G.H.),
Senior Civil Judge and JMFC,
T. Narasipura.

J U D G M E N T

The P.S.I of T. Narasipura P.S. has filed the charge sheet against the accused for the offences punishable under Sections 341, 504, 323, 326 and 506 r/w 34 of IPC.

2. The case of the prosecution is that:-

On 20.06.2022 at about 7.45 P.M. in front of Janapriya Tiding house situate near Thurukanakatte, Link Road of T. Narasipura town, in the wake of enmity, the accused engaged into quarrel with C.W.2, unlawfully prevented him by holding the hands of him, insulted him by the words of filthy language, the accused No.2 assaulted upon the cheek of him with hands, the accused No.3 pushed him down, the accused No.1 assaulted upon right hand of him with stone and the accused put the life of him into threat. Thus, the accused have committed the above offences.

3. On receipt of the charge sheet, the cognizance of the offences is taken and summons is issued to the accused. On appearance of them, they are enlarged on bail and the copy of charge sheet is furnished to them as per Section 207 of Cr.P.C.

4. The charges for the above offences are framed, read over and explained to the accused. They have not pleaded guilty, but claimed to be tried.

5. The prosecution has got two witnesses examined as P.Ws.1 and 2 and 4 documents marked as Exs.P.1 to 4 to prove its case.

6. The examination of the accused under Section 313(1)(b) of Cr.P.C is dispensed with since there are no incriminating circumstances in the evidence of the prosecution witnesses.

7. The bail bonds of the accused and surety are taken as per Section 437-A Cr.P.C.

8. I have heard the arguments of both sides and perused the materials on record.

9. The points for consideration are as under:-

1. Whether the prosecution has proved beyond all reasonable doubts that on 20.06.2022 at about 7.45 P.M. in front of Janapriya Tiding house situate near Thurukanakatte, Link Road of T. Narasipura town, in the wake of enmity, the accused engaged into quarrel with P.W.2, unlawfully prevented him by holding the hands of him, insulted him by the words of filthy language, the accused No.2 assaulted upon the cheek of him with hands, the accused No.3 pushed him down, the accused No.1 assaulted upon

right hand of him with stone and the accused put the life of him into threat and thereby the accused have committed the offences punishable under Sections 323, 326, 341, 504 and 506 r/w 34 of IPC?

2. What Order?

10. The answers to the above points are:-

Point No.1 : Negative.

Point No.2 : As per final order.

REASONS

11. POINT NO.1:- P.W.1 is the first informant. P.W.2 is the eye witness as well as injured. They have completely denied the case of the prosecution. Though the F.I.S and spot mahazar are marked as Exs.P.1 and 2 respectively through P.W.1, he has denied the contents of them. He and P.W.2 have also denied the case of the prosecution even in the cross-examination of them made by learned A.P.P. Hence, the further statement of P.W.1 and the statement of P.W.2 given before the police are marked as Exs.P.3 and 4 respectively.

12. P.Ws.1 and 2 being the material witnesses have not supported the case of the prosecution. Therefore, the prayer of learned A.P.P. seeking issuance of summons to

other witnesses is rejected. There is complete absence of evidence on record to hold that the prosecution has proved its case. Therefore, the accused need acquittal. Accordingly, the **point No.1** is answered in the **negative**.

13. POINT NO.2:- In view of the finding on the point No.1, I proceed to pass the following.

ORDER

The accused are not found guilty for the offences punishable under Sections 323, 326, 341, 504 and 506 r/w 34 of IPC. Hence, acting under Section 248(1) of Cr.P.C., they are acquitted of the above offences.

The bail bonds of the accused and surety taken at trial stage stands canceled.

The bail bonds of the accused and surety taken as per Section 437-A Cr.P.C. will exist for a period of 6 months from this date.

The property of stone seized in P.F. No.206/2022 (P.R. No.24/2026) being worthless is ordered to be destroyed after completion of appeal period.

(Dictated to the Stenographer directly on Computer, typed by him, corrected and then pronounced by me in the open court on this 07th day of March, 2026)

(HANUMANTHA G.H.),
Senior Civil Judge and JMFC,
T. Narasipura.

A N N E X U R E

1. WITNESSES EXAMINED FOR THE PROSECUTION:-

P.W.1 : Sri. Dhanush V.

P.W.2 : Sri. Dhanajaya.

2. DOCUMENTS MARKED FOR THE PROSECUTION:-

Ex.P.1 : F.I.S.

Ex.P.1(a) : Signature of P.W.1.

Ex.P.2 : Spot mahazar.

Ex.P.2(a) : Signature of P.W.1.

Ex.P.3 : Further statement of P.W.1.

Ex.P.4 : Statement of P.W.2.

3. WITNESS EXAMINED FOR THE DEFENCE:-

- N I L -

4. DOCUMENT MARKED FOR THE DEFENCE:-

- N I L -

(HANUMANTHA G.H.)
Senior Civil Judge and JMFC,
T. Narasipura.

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

ORDER

The accused are not found guilty for the offences punishable under Sections 323, 326, 341, 504 and 506 r/w 34 of IPC. Hence, acting under Section 248(1) of Cr.P.C., they are acquitted of the above offences.

The bail bonds of the accused and surety taken at trial stage stands canceled.

The bail bonds of the accused and surety taken as per Section 437-A Cr.P.C. will exist for a period of 6 months from this date.

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Senior Civil Judge and JMFC,
T. Narasipura.