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C.C./2248/2025

**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE AND
J.M.F.C., AT T.NARASIPURA.**

:Present:

Sri. Sachin H.R., B.A., LL.B.,
Prl. Civil Judge & J.M.F.C.,
T.Narasipura.

Dated this the 11th day of August, 2026

C.C.No.:2248/2025

Complainant: The State by P.S.I. Bannur P.S.

(By Asst. Public Prosecutor)

-V/S-

Accused : **Kumar,**
S/o late Ningegowda,
Aged about 45 years,
R/o Beedanahalli village,
Bannur Hobli, T.Narasipura Taluk,
Mysuru District.

(By Sri. T.S.S., Advocate)

1.	Date of incident	15.05.2024
2.	Date of Report	16.05.2024

3.	<i>Date of arrest of accused</i>	--
4.	<i>Date of release of accused on bail</i>	03.06.2024
5.	<i>Period of accused in J.C.</i>	–
6.	<i>Name of the complainant</i>	Rajesh, S/o late Ningegowda
7.	<i>Date of commencement of evidence</i>	28.07.2026
8.	<i>Date of completion of evidence</i>	28.07.2026
9.	<i>Offences charged</i>	U/Sec.326 and 506 of IPC
10.	<i>Opinion of the Judge</i>	Accused is not found guilty.

-Sd/-

(Sachin H.R.)

*Prl. Civil Judge and J.M.F.C.,
T.Narasipura.*

J U D G M E N T

The P.S.I. of Bannur Police Station, Bannur, has submitted the charge sheet against the accused in Bannur P.S. Cr.No.139/2024 alleging that he has committed the offences punishable U/Sec.326 and 506 of IPC.

The brief facts of the prosecution case in a nutshell is as under:

2. *It is the case of the prosecution that on 15.05.2026 at 8.30 p.m., when the C.W.1 was sitting near*

Basaveshwara Temple at Beedanahalli village, Bannur Hobli, T.Narasipura taluk, within the limits of Bannur Police Station, the accused being the elder brother of the C.W.1 came there and picked up quarrel with the C.W.1 in respect to the landed property and voluntarily assaulted the C.W.1 by the wooden handle of the sickle on his face and left leg, due to which the tip of the nose, lips and 4 upper teeth of the C.W.1 were disfigured and caused grievous hurt to the C.W.1 and further threatened the C.W.1 with dire consequences and thereby the accused committed the offences punishable U/Sec.326 and 506 of IPC.

3. *The C.W.1 reported the First information statement to the Bannur Police. On the basis of which, the S.H.O., Bannur Police Station has registered the case against the accused and after conducting investigation, the I.O., has filed the charge sheet against the accused.*

4. *On receipt of prosecution papers cognizance is taken for the above said offences and summons was issued to the accused. Thereafter, the accused appeared*

before this court through his counsel and got enlarged on bail. Thereafter, prosecution papers was supplied to him in compliance of Sec.207 of Cr.P.C. Thereafter, substances of charge was read over and explained to the accused in the language known to him. The accused pleaded not guilty and claimed to be tried.

5. *In order to substantiate the case of the prosecution and to bring home the guilt of the accused, the prosecution has examined one witness as P.W.1 and got marked 3 documents at Ex.P.1 to Ex.P.3 and closed the evidence. Since the material witness i.e., the Complainant/victim/C.W.1 has turned hostile to the case of prosecution, the prayer of learned Assistant Public Prosecutor for issuance of summons to the rest of the witnesses is rejected as no purpose will be served by examining them. Accordingly, the prosecution has given up the evidence of other remaining witnesses. Hence, recording of statement of accused as required U/Sec.313 Cr.P.C., is dispensed with as there is no incriminating evidence appeared against the accused and posted the case for arguments.*

6. *Heard the arguments of both the sides and perused the entire materials available on record.*

7. *The points that would arise for consideration of this Court are as follows:*

1. *Whether the prosecution proves beyond all reasonable doubts that on 15.05.2026 at 8.30 p.m., when the C.W.1 was sitting near Basaveshwara Temple at Beedanahalli village, Bannur Hobli, T.Narasipura taluk, within the limits of Bannur Police Station, the accused being the elder brother of the C.W.1 came there and picked up quarrel with the C.W.1 in respect to the landed property and voluntarily assaulted the C.W.1 by the wooden handle of the sickle on his face and left leg, due to which the tip of the nose, lips and 4 upper teeth of the C.W.1 were disfigured and caused grievous hurt to the C.W.1 by dangerous weapon and thereby committed an offence punishable **U/Sec.326 of IPC?***

2. *Whether the prosecution further proves beyond all reasonable doubt that on the said date, time and place the accused took quarrel with the C.W.1 and posed life threat to the C.W.1*

*and thereby committed an offence punishable
U/Sec.506 of IPC?*

3. *What Order?*

8. *On appreciation of the evidence let in by the prosecution, I answered the above points as follows:*

POINT No.1 : In the **Negative**,
POINT No.2 : In the **Negative**,
POINT No.3 : As per the final order
below for the following:

REASONS

POINT No.1 AND 2:

9. *These points are inter connected with each other and required common discussions. Therefore, I would like to deal these points together in order to avoid repetition of facts.*

10. *It is the case of the prosecution that on 15.05.2026 at 8.30 p.m., when the C.W.1 was sitting near Basaveshwara Temple at Beedanahalli village, Bannur Hobli, T.Narasipura taluk, within the limits of Bannur Police Station, the accused being the elder brother of the*

C.W.1 came there and picked up quarrel with the C.W.1 in respect to the landed property and voluntarily assaulted the C.W.1 by the wooden handle of the sickle on his face and left leg, due to which the tip of the nose, lips and 4 upper teeth of the C.W.1 were disfigured and caused grievous hurt to the C.W.1 and further threatened the C.W.1 with dire consequences and thereby the accused committed the offences punishable U/Sec.326 and 506 of IPC.

11. *In order to bring home the guilt of the accused, the prosecution in all examined one witness as P.W.1, who is the Complainant/victim and got marked 3 documents at Ex.P.1 to Ex.P.3.*

12. *The prosecution got examined the Complainant/ C.W.1 as P.W.1 to prove the charges leveled against the accused. The P.W.1 in his examination in chief on oath though admitted his signature on the complaint which is marked at Ex.P.1 at Ex.P.1(a), has stated that he don't know the contents of Ex.P.1 and that he has not given the Ex.P.1 complaint and that he has not given any further*

statement to the police and that the accused has not committed any such offences as alleged by the prosecution against him and further though identified his signature on the mahazer marked at Ex.P.2 at Ex.P.2(a) he has stated that he don't know the contents of the mahazer and that no mahazer at Ex.P.2 was drawn by the police in his presence as alleged in the prosecution case and that the police have not seized any articles in his presence. The P.W.1 has specifically stated that the accused has not assaulted him with the sickle handle and has not posed life threat to him as alleged in the prosecution case. Thus, the P.W.1 being material witness has turned completely hostile to the case of prosecution. The learned Assistant Public Prosecutor treated the P.W.1 as hostile and cross-examined him at length, but nothing is elicited from the mouth of this witness, which support the case of prosecution and on the contrary he admitted that the accused is his own brother and he has compromised the case with the accused. Hence, the complaint at Ex.P.1, the

mahazer at Ex.P.2 and the statement of the P.W.1 at Ex.P.3 remained not proved.

13. *When the material witness i.e., the complainant himself has not supported the case of prosecution, the prayer of learned Assistant Public Prosecutor for issuance of process to remaining witnesses is rejected as no purpose will be served by examining them in the absence of material evidence.*

14. *Over all evidence led by the prosecution shows that, there is no iota of evidence to bring home the guilt of the accused. Hence, in the light of my detailed discussions held above, I am of the view that, the prosecution has utterly failed to prove the charges leveled against the accused beyond all reasonable doubts. As such, the accused is entitled for acquittal. **Accordingly, I answered point No.1 and 2 in the Negative.***

POINT No.3:

15. *In the light of my detailed discussions on point No.1 and 2, I proceed to pass the following:*

ORDER

*Acting U/Sec.248(1) of Cr.P.C.,
the accused is not found guilty and is
hereby acquitted for the offences
punishable U/Sec.326 and 506 of IPC.*

*The bail bonds and surety bond
of the accused stands canceled.*

*The property seized vide
P.F.No.130/2024 dated 17.05.2025
shall be confiscated to the State after
expiry of appeal period.*

***(Typed by me in my laptop, corrected by me and then
pronounced in the Open Court on this the 11th day of August, 2026).***

-Sd/-

(Sachin H.R.)

*Prl. Civil Judge and J.M.F.C.,
T.Narasipura.*

ANNEXURE

1. List of witnesses examined on behalf of prosecution:

P.W.1 : Rajesh

2. List of documents exhibited on behalf of prosecution:

Ex.P.1 : Complaint

Ex.P.1(a) : Signature

Ex.P.2 : Mahazer

Ex.P.2(a) : Signature

Ex.P.3 : Statement of P.W.1

3. List of M.O.'s marked on behalf of prosecution:

- Nil -

-Sd/-

(Sachin H.R.)

*Prl. Civil Judge and J.M.F.C.,
T.Narasipura.*

*Case called out. Accused and his
counsel are present.*

**(Order is pronounced in the open court
vide separate Judgment)**

ORDER

*Acting U/Sec.248(1) of Cr.P.C.,
the accused is not found guilty and
is hereby acquitted for the offences
punishable U/Sec.326 and 506 of
IPC.*

*The bail bonds and surety bond
of the accused stands canceled.*

*The property seized vide
P.F.No.130/2024 dated 17.05.2025
shall be confiscated to the State
after expiry of appeal period.*

**(Sachin H.R.)
Prl. Civil Judge and J.M.F.C.,
T.Narasipura.**